MODESTO CITY COUNCIL
RESOLUTION NO. 2002-1

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF RODNEY DECRISTOFARO FROM THE PLANNING COMMISSION EFFECTIVE JANURAY 2, 2002

WHEREAS, RODNEY DECRISTOFARO was appointed a member of the Planning Commission on December 5, 1995; and

WHEREAS, RODNEY DECRISTOFARO has tendered his resignation from the Planning Commission, effective January 2, 2002; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of RODNEY DECRISTOFARO from the Planning Commission be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-2

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF CHRIS DAVIDSON FROM HOUSING REHABILITATION LOAN COMMITTEE, EFFECTIVE JANUARY 2, 2002

WHEREAS, CHRIS DAVIDSON was appointed a member of the Housing Rehabilitation Loan Committee in 1995; and

WHEREAS, CHRIS DAVIDSON has tendered her resignation from the Housing Rehabilitation Loan Committee, effective January 2, 2002; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of CHRIS DAVIDSON from the Housing Rehabilitation Loan Committee be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-3

A RESOLUTION APPROVING THE SUBMITTAL OF MODESTO CITY-COUNTY AIRPORT'S IMPROVEMENT PROGRAM APPLICATION IN THE AMOUNT OF $14,735,000 TO THE FEDERAL AVIATION ADMINISTRATION (FAA), AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE APPLICATION AND ANY GRANT OFFER EXTENDED BY THE FAA ON BEHALF OF THE CITY.

WHEREAS, Modesto City-County Airport is a commercial service airport, and it is eligible for federal Airport Improvement Program entitlement and discretionary funds, and

WHEREAS, the United States Congress has allocated for this fiscal year $3.3 billion dollars to airports for their airport improvements, and

WHEREAS, the FAA has requested the City to submit its revised Airport Capital Improvement Plan (ACIP) by December 10, 2001, and its request for project funding by January 1, 2002, and

WHEREAS, the City Council approved an ACIP in the amount of 15.005 million at their December 11, 2001, meeting, and the ACIP in the amount of $14.735 million has been submitted to the FAA, and

WHEREAS, the federal application includes the following projects: reconstruct Runway 10L/28R (RW10L/28R), upgrade the airport's security system, expand the terminal passenger parking lot, rehabilitate general aviation hangar area taxilanes, acquire property in the County unincorporated area, and extend RW10L/28R and Taxiway A (TWA), and

WHEREAS, the Council approved a federal funding application for the FAR Part 150 Noise Program Update in the amount of $270,000 at their December 11, 2001, meeting, which is being submitted separately to the FAA, and

WHEREAS, the Airport Advisory Committee has previously recommended the City request funding for projects listed on the Modesto City-County Airport's ACIP, and

WHEREAS, the Council's Transportation Policy Committee considered approving the application for federal Airport Improvement Program funds at their December 20, 2001, meeting and are recommending the application be submitted to the FAA,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submitting an application for Airport Improvement Program funds in the amount of $14.735 million to the FAA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the application and any grant offers extended by the FAA for any of the projects listed on the ACIP and the federal grant application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd of January, 2002 by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-4

A RESOLUTION AUTHORIZING THE CITY TO ACCESS STATE AND LOCAL SUMMARY CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT, LICENSING OR CERTIFICATION PURPOSES.

WHEREAS, California Penal Code Sections 11105(b)(10) and 13300(b)(10) authorize cities, counties and districts to access state and local summary criminal history information for employment, licensing or certification purposes, and

WHEREAS, California Penal Code Sections 11105(b)(10) and 13300(b)(10) require that there be an exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record, and

WHEREAS, California Penal Code Sections 11105(b)(10) and 13300(b)(10) require the city council, board of supervisors or governing body of a city, county or district to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes, and

WHEREAS, the City of Modesto Personnel and Police Departments access such information for certain prospective employees (including volunteers) as authorized or required by California law, and

WHEREAS, the City of Modesto Police Department accesses such information for certain citizens for licensing and certification purposes as authorized or required by California law,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City is hereby authorized to access state and local summary criminal history information for employment (including volunteers), licensing or certification purposes.

BE IT FURTHER RESOLVED, that the City of Modesto shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment (including volunteers), or licensing except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment, volunteerism or license in question.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 – 5

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MEMORIAL HOSPITALS ASSOCIATION FOR THE INSTALLATION OF A PERMANENT IRRIGATION SYSTEM AND LANDSCAPING AND THE MAINTENANCE OF LANDSCAPING ON PROPERTY OWNED BY THE CITY AND ADJACENT TO MEMORIAL HOSPITAL AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.

WHEREAS, the City of Modesto has expressed an interest in developing beautification projects around the community in an effort to enhance the community's appearance, and

WHEREAS, the City of Modesto owns right-of-way fronting on westbound East Briggsmore Avenue which is adjacent to the Memorial Hospital and measures approximately thirteen (13) feet in width and six hundred forty (640) feet in length, and

WHEREAS, both the City and the Memorial Hospitals Association are desirous of beautifying this planter area with permanent irrigation and landscaping, and

WHEREAS, the City agrees to provide funds, not to exceed $4,225, for the purchase and installation of a permanent irrigation system and for installation of sod or hydra-seed in the planter area, and

WHEREAS, Memorial Hospitals Association agrees to provide maintenance of the planter area,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Memorial Hospitals Association for the installation of an irrigation system and landscaping on property located on East Briggsmore adjacent to Memorial Hospital is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2002, by Councilmember Fisher, who moved its adoption, which motion being duty seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-6

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 28 AND CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED ON THE NORTH SIDE OF MERLE AVENUE EAST OF DERMOND ROAD IN THE VILLAGE ONE SPECIFIC PLAN AREA (FLORSHEIM BROTHERS)

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

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, an application has been filed by Florsheim Brothers for a Precise Plan for Area No. 28 of the Village One Specific Plan, property located on the north side of Merle Avenue east of Dermond Road, and

WHEREAS, the applicant has applied for approval of a rezoning from Specific Plan-Holding Zone, SP-H, to a Specific Plan-Overlay Zone, SP-O, and

WHEREAS, the City's Community Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/CDD 2001-78, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 2001-73, adopted on December 3, 2001, and City staff, by a report dated December 11, 2001, from the Community Development Department, recommended to the City Council approval of the Precise Plan for Area No. 28 of the Village One Specific Plan as set forth in said Resolution No. 2001-73, and recommended approval of an Amendment to Section 13-3-9 of the Zoning Map to rezone from Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay Zone, SP-O, Precise Plan Area No. 28, property located on the north side of Merle Avenue east of Dermond Road, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on January 2, 2002, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/CDD 2001-78, entitled "City of Modesto Initial Study Precise Plan No. 28, and Polakis Property Vesting Tentative Subdivision Map", for the proposed project, and the Council hereby makes the following findings:

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

2. The project will have no new effects which were not examined in the Program EIR and no new mitigation measures would be required.

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

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

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

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

7. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

8. The initial study, Environmental Assessment No. EA/CDD 2001-78, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 2001-78, entitled "City of Modesto Initial Study Precise Plan No. 28, and Polakis Property Vesting Tentative Subdivision Map", is attached hereto as Exhibit "A", and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

INITIAL STUDY

EA/CDD NO. 2001-78

City of Modesto

Initial Study

Precise Plan No. 28 and Polakis Property Vesting Tentative Subdivision Map

EA/CDD 2001-78
November 13, 2001

I. PURPOSE

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Sections 15168(c) and 15182 of the CEQA Guidelines allows the approval of subsequent projects within the scope of the Project EIR without further environmental review, provided the following findings are made:

A. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.

B. The project will have no new effects which were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.

C. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR.

D. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR.

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

F. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

The purpose of this initial study is to provide the substantial evidence to support the above findings.

II. PROJECT DESCRIPTION

A. Project title:
Precise Plan No. 28, and Polakis Property Vesting Tentative Subdivision Map

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

C. Contact person and phone number:
Steve Mitchell, Community Development Department, (209) 577-5287

A. Project Location:
The project is located on the north side of Merle Avenue east of Dermond Road.

E. Project Sponsor:
Florsheim Brothers, 1701 W. March Ln., Ste. D, Stockton, CA 95207

F. General Plan Designation:
Village Residential (VR)

G. Current Zoning:
Specific Plan-Holding (SP-H) Zone

H. Description of Proposed Project:
This is a precise plan and subdivision map in the Village One Specific Plan. The precise plan is to allow approximately 200 single-family units, in addition to an existing church on the project site, on 44.4 acres. The subdivision map is a subset of the precise plan for 180 lots on 35.9 acres.

I. Surrounding land uses:
The project is bounded on the north by approved and currently developing single-family subdivisions, on the east by vacant land designated for a neighborhood park and a middle school by the Village One Specific Plan, and on the south and west by existing single-family subdivisions.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH SECTION 15168(C) FINDINGS

Following is an analysis of how the project is within the scope of the Village One Program EIR and how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, broken down by each impact area identified in the Village One Program EIR:

A. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the

Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity. It also provides a circulation system in accordance with the Specific Plan. Therefore, impacts to traffic and circulation for this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

B. Degradation of Air Quality

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Air quality impacts for this project are directly related to traffic impacts. Because traffic impacts for this project are within the scope of those in the Village One EIR, air quality impacts are also within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

C. Generation of Noise

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity, and the project is not adjacent to any arterial streets that require additional noise mitigation. Therefore, the noise impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

D. Vegetation and Wildlife

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The project is located in an area analyzed by the Village One EIR for residential development. Therefore, the impacts to vegetation and wildlife of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

E. Land Use

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

F. Population, Employment and Housing

Impacts to population, employment and housing are analyzed on pages III-95 through III-99 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to population, employment and housing of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

G. Urban Design and Visual Quality

Impacts to urban design and visual quality are analyzed on pages III-101 through III-

103 of the Supplemental EIR. The development proposed by this precise plan is consistent with the Village One Specific Plan in terms of land use, intensity and urban design. Therefore, the impacts to urban design and visual quality of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

H. Geology and Soils

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to geology and soils of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

I. Hydrology

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and includes the necessary storm drainage systems required by the Specific Plan. Therefore, the impacts to hydrology of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

J. Public Services

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and would not create any additional demand for public services that are in excess of those analyzed by the Village One EIR. Therefore, the impacts to public services of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

K. Fiscal Impacts

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the fiscal impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

L. Cumulative Impacts

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use intensity. Therefore, the cumulative impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

M. Growth Inducing Impacts

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the growth-inducing impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

IV. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS

A. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Village One Program EIR.

B. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there is no new information, which was not known at the time the Program EIR was certified, has become available, that would change the conclusions of the EIR.

V. MITIGATION MEASURES

Since the project is within the scope of the Village One Specific Plan Program EIR, there are no additional mitigation measures needed for the project. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

VI. CONCLUSIONS/DETERMINATIONS OF FINDINGS

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.

2. The project will have no new effects which were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.

3. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

4. There are no substantial changes occurring with respect to the circumstances under

which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

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

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

7. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

8. This initial study provides the substantial evidence to support the above findings.

Signature:

Steve Mitchell

Steve Mitchell,
Principal Planner

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-7

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 21-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(552), PROPERTY LOCATED ON THE NORTH SIDE OF EAST COOLIDGE AVENUE OPPOSITE ILA WAY. (ARCHITECTURE PLUS, INC.)

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

WHEREAS, Architecture Plus, Inc., has proposed that the zoning designation for the property located on the north side of East Coolidge Avenue opposite Ila Way be amended to rezone from Medium High Density Residential Zone, R-3, to Planned Development Zone,

P-D(552), in the City of Modesto (the project), to allow a two- and three-story apartment development, and

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

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. EA/CDD 2001-76 reviewed the proposed amendment to the Zoning Map and rezone to P-D(552) project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(552) project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.
2. That the project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Mike Milich
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Initial Study

EA/CDD 2001-76

City of Modesto

Initial Study

EA/CDD 2001-76
November 2, 2001

I. PURPOSE

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

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

II. PROJECT DESCRIPTION

A. Project title:
Application of Architecture Plus, Inc. to Rezone from R-3 to P-D for 40 two-and-three-story apartments on E. Coolidge Ave. at Ila Way.

B. Lead agency name and address:
City of Modesto1010 Tenth St., Modesto, CA 95353

C. Contact person, address and phone number:
Bob Cannell, Community Development Department, (209) 577-5274

D. Project Location:
The property is located on the north side of East Coolidge Ave. opposite Ila Way.

E. Project sponsor:
Architecture Plus, Inc.

F. General Plan Designation:
Mixed Use (MU) designation

G. Zoning:
R-3, Medium-High Density Residential

H. Description of Proposed Project:
This is a rezoning from the current R-3 to a Planned Development zone in order to pursue three story construction of a few of the units. Except for this feature, the current zoning could accommodate the proposed apartment complex.

I. Surrounding land uses:
The project is bounded on the west by a medical office/clinic (Imaging Center), on the northeast and east by one-and two-story R-3 apartments, and on the south by a mixture of low-and-medium density residential uses. The north is currently underdeveloped.

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

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

The proposed multi-housing complex will contribute to increased traffic in the neighborhood. However, the proposed development is consistent with the Traffic and Circulation needs section of the MEIR. Also, the traffic generated by development will be no greater than that under ministerial development under current zoning in this portion of Baseline Developed Area. Therefore, this proposal would not generate any increased traffic from what was projected in the Master Environmental Impact Report, and the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are still valid.

B. Degradation of Air Quality

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

C. Generation of Noise

Since the proposed rezoning will not result in any significant increase in intensity of development, it will not create additional noise impacts, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.

D. Loss of Productive Agricultural Land

This area is located in a fully urbanized residential area. The proposed Amendment will not result in the loss of any agricultural land. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. Increased Demand for Water Supplies

Since the proposed rezoning will not result in any significant increase in intensity of development, it will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are therefore still valid.

F. Increased Demand for Sanitary Sewer Services

Since the proposed rezoning will not result in any significant increase in intensity of development, it will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

This area is located in an area currently developed for residential uses. The proposed rezoning will not result in the loss of any sensitive wildlife and plant habitat not already analyzed in both the General Plan Master Environmental Impact Report and the Pelandale-Snyder EIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

H. Disturbance of Archaeological and Historic Sites

Figure 8-1 of the MEIR indicates that the area is also outside the Archaeological Resource Study Area, and therefore doesn't require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. Drainage, Flooding and Water Quality

Since the proposed rezoning will not result in any significant increase in intensity of development, and development in the Baseline Developed Area in the General Plan is providing storm drainage facilities in accordance with the mitigation measures presented in the Master Environmental Impact Report, the Amendment will not present any new impacts to drainage, flooding and water quality that have not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed

in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are still valid.

J. Increased Demand for Storm Drainage

Since the proposed rezoning will not result in any significant increase in intensity of development, and development in the Baseline Developed Area of the General Plan is providing storm drainage facilities in accordance with the mitigation measures presented in the Master Environmental Impact Report, the Amendment will create no additional demand for storm drainage not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are still valid.

K. Increased Demand for Parks and Open Space

Since the proposed rezoning will not result in any significant increase in intensity of development and development in the Baseline Developed Area is providing for parks in accordance with the General Plan, the rezoning will create no additional demand for parks and open space not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are therefore still valid.

L. Increased Demand for Schools

Since the proposed rezoning will not result in any significant increase in intensity of development and development in the Baseline Developed Area is providing for schools in accordance with the General Plan, the rezoning will create no additional demand for schools not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are still valid.

M. Increased Demand for Police Services

Since the proposed rezoning will not result in any significant increase in intensity of development, it will create no additional demand for police services not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are therefore still valid.

N. Increased Demand for Fire Services

Since the proposed rezoning will not result in any significant increase in intensity of development, it will create no additional demand for fire services not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are therefore still valid.

O. Generation of Solid Waste

This rezoning will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10) are therefore still valid.

P. Generation of Hazardous Materials

Since the proposed rezoning will not result in any significant increase in intensity of development, it will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are therefore still valid.

Q. Landslides and Seismic Activity

Since the proposed rezoning will not result in any significant increase in intensity of development, it will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are therefore still valid.

R. Energy

This rezoning will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed rezoning is within the scope of the General Plan Master EIR (SCH No. 92052017.

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

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

D. There are not specific features unique to this rezoning that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.

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

Signature:

Bob Cannell
SeniorPlanner

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-8

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(552). (ARCHITECTURE PLUS, INC.)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Architecture Plus, Inc., on September 13, 2001, to reclassify from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(552), to allow a two- and three-story apartment development, property located on the north side of East Coolidge Avenue opposite Ila Way, described as follows:

R-3 to P-D(552)

The East 165 feet of the West 315 feet of the South half of Lot 4 COOLIDGE COLONY as per Map filed on November 15, 1910, in Vol. 5 of Maps, at page 17, Stanislaus County Records;

Including Parcel 2 as shown on that Parcel Map filed December 13, 1965, in Book 1, Page 17 of Parcel Maps in the Office of the County Recorder of Stanislaus County, being a portion of Lots 3 and 4 of COOLIDGE COLONY;

Also including the northerly 30 feet of E. Coolidge Avenue immediately adjacent to said Parcel 2 as shown on that Parcel Map filed December 13, 1965, in Book 1, Page 17 of Parcel Maps in the Office of the County Recorder of Stanislaus County

and

WHEREAS, after a public hearing held on November 19, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-68, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The requested zone change is required by public convenience or necessity and will result in an orderly planned use of resources for the following reasons:

   a. The proposed Planned Development Zone, by reason of its site design and conditions of approval is compatible with existing and potential surrounding development.

   b. The requested Planned Development Zone for a multi-family development and uses as permitted in the R-3, Medium-High-Density Residential Zone, is within an area designated by the General Plan for Mixed Uses (MU).

2. The proposed rezoning is consistent with the Modesto Urban Area General Plan, because the General Plan designates this site for Mixed Uses (MU), which permits apartment complexes.

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 2, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Architecture Plus, Inc., for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-68 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3243-C.S. on the 2nd day of January, 2002, reclassifying the above-described property from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(552).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(552), is hereby approved subject to the following conditions:

1. All development shall conform to the plans entitled: "Coolidge Apartments" as amended in red and stamped approved by the City Council on January 2, 2002.

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

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

   a. Six-feet-high wood fence with decorative masonry pilasters at 16 feet on centers. OR

   b. Six-feet-high wrought iron fence along entire north and east property lines except where such fencing has previously been constructed and is being maintained.

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

5. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety or traffic problem in the area.

7. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered Civil Engineer and approved by the engineering and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

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

9. Trash bins shall be kept in enclosures in accordance with the approved plan and in accordance with plans approved by the Operations and Maintenance Department director. Enclosures shall be constructed of building materials consistent with those used in major buildings as approved by the Community Development Department Director.

10. Prior to the issuance of a building permit, the developer shall show on the plans submitted to Building Inspection and shall be subject to the following Fire Department requirements:

    a. All buildings with 5000 square feet or more of floor area must have fire sprinkler systems.

    b. Fire Department access must be designed to support a 60,000-pound imposed load.

    c. Fire access road must be 20 feet wide with a 13' 6" vertical clearance.

    d. Fire access road must meet the City standard for turning radius.

    e. All sides of all buildings must be within 150 feet walking distance of a fire truck parking location for hose to lay (200 feet if buildings are equipped with fire sprinkler systems).

11. All signs shall comply with the sign requirements of the R-3 Zone.

12. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If defend, indemnify, or hold City harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(552):

> The entire construction program be accomplished in one phase, construction to begin on or before November 19, 2003, and completion to be not later than November 19, 2004.

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

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(552), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Community Development Department
Planning Division

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-9

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-10

A RESOLUTION OPPOSING ANY AND ALL STATE REDUCTIONS IN TRADITIONAL CITY REVENUE SOURCES

WHEREAS, the State of California is projecting a major budget deficit for Fiscal Year 2002-2003; and

WHEREAS, historically, the State of California has used monies normally directed to California cities, to balance the State budget; and

WHEREAS, this approach negatively impacts the City of Modesto, as well as all other California cities, by impairing the City's ability to provide adequate public safety, recreation, parks services, and capital improvement projects; and

WHEREAS, the State has committed to insuring that sufficient replacement dollars would be directed to each California city; and

WHEREAS, the City of Modesto adamantly requests all State legislators and legislative bodies seek other options to balance the State budget and to keep funds designated for municipalities as committed by the State.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto does hereby oppose any and all State reductions in traditional City revenue sources and furthermore encourages all California cities and residents to contact legislators and candidates to urge that they oppose any efforts to balance the State budget with local government revenue sources.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-11

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2001-270 TO AMEND THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGE OR THE CLASSIFICATION OF DEPUTY DIRECTOR OF FINANCE.

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

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2001-270. Exhibit "A" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 19, 2001", is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective January 8, 2002", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the Class Range Table to establish a salary range for Deputy Director of Finance (Range 452).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after January 8, 2002.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **January 8, 2002**

RANGE	TITLE
407	Administrative Clerk II (Confidential)
408	
409	Police Clerk (Confidential)
410	
411	
412	
413	Administrative Technician (Confidential) Senior Personnel Clerk
414	
415	Secretary
416	
417	
418	Legal Secretary
419	Police Training and Records Technician (Confidential) Public Information Technician (Confidential)
420	Accountant I (Confidential) Deputy City Clerk Employee Benefits Coordinator Executive Secretary Legal Services Technician Systems Technician Workers' Compensation Claims Examiner I
421	

EXHIBIT "A"

RANGE	TITLE
422	Office Supervisor Utility Dispatch Supervisor
423	Custodian Supervisor
424	Assistant Planner Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant
426	Police Support Services Supervisor Stores Manager
427	Assistant City Clerk/Auditor Legal Services Administrator
428	Accountant II Budget Analyst Customer Services Specialist Customer Services Supervisor Senior Buyer
429	
430	Associate Planner Events Supervisor I Junior Civil Engineer Senior Crime Analyst Social Services Program Supervisor

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

RANGE	TITLE
437	Deputy City Attorney I
438	Budget Officer Communications and Marketing Manager Development and Operations Coordinator Financial/Investment Officer Housing Program Supervisor Land Surveyor Property Agent Purchasing Supervisor Systems Engineer Transportation Planner
439	Administrative Services Officer
440	Associate Civil Engineer Associate Traffic Engineer
441	Airport Manager Assistant Personnel Director Building Maintenance Superintendent Deputy City Attorney II Fire Marshal Fleet Manager Golf Services Manager Parks Operations Superintendent Parks Planning and Development Manager Police Records Manager Recreation Superintendent Risk Manager Solid Waste Program Manager Streets Engineer Transit Manager Urban Forestry Superintendent Wastewater Collections Superintendent Water Superintendent

RANGE	TITLE
442	Customer Services Division Manager Information Services Manager Manager of Budget and Financial Analysis Supervising Building Inspector Supervising Construction Inspector
443	Senior Deputy City Attorney I
444	Business Development Manager Deputy Chief Building Official General Services Manager Principal Planner
445	Accounting Division Manager Housing and Neighborhoods Division Manager
446	Water Quality Control Superintendent
447	Assistant to City Manager Chief Building Official Planning Division Manager Senior Civil Engineer Traffic Engineer
448	
449	Senior Deputy City Attorney II
450	
451	
452	Deputy Director – Cultural and Enterprise Services Deputy Director – Engineering and Transportation **Deputy Director of Finance** Deputy Director – Operations and Maintenance Deputy Director – Recreation and Neighborhoods
453	

RANGE	TITLE
455	Assistant City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-12

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

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

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

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

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

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

Deputy Director of Finance

As a result of a new position created in the 2001/02 budget cycle assigned to the Finance Department.

The specification for the classification of Deputy Director of Finance, Range 452 as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after January 8, 2002.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

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

CITY OF MODESTO January, 2002
No. 2015

DEPUTY DIRECTOR OF FINANCE

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

DEFINITION

To assist the Finance Director in the planning, directing, coordinating and the administration of departmental functions and financial activities; and to provide highly responsible and complex administrative support to the Finance Director.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Director of Finance.

Exercises direct supervision over professional, technical, and clerical staff.

Exercises responsible charge of assigned administration, budget and fiscal analysis, treasury, accounting, customer service and purchasing and stores functions.

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

Essential Functions:

Assist in the development, planning, and implementation of department goals and objectives; recommend and administer policies and procedures.

Meet with division supervisors/managers to discuss needs, problems, programs, policy and budgets; give direction where necessary.

Coordinate department activities with those of other departments and outside agencies and organizations; prepare and present staff reports and other necessary correspondence.

Appear before the City Council, boards, commissions and other civic organizations representing the Department.

Provide administrative support to the Director; assist with special projects as assigned; prepare complex and sensitive reports for various State and Federal agencies.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to improve performance; implement discipline procedures as necessary.

EXHIBIT "A"

Examples of Duties (Continued)

Marginal Functions:

Perform related duties as assigned.

Qualifications

Knowledge of:

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Applicable Federal, State and local laws, codes, programs, and regulations.

Principles of budget preparation and expenditure control.

Program analysis and revenue forecasting.

Principles and practices of organization, administration, supervision, training, and personnel management.

Governmental fund accounting principles and practices.

General legal authority and parameters for carrying out bonds, grants, and other financial transactions.

Treasury and cash management principles and practices.

Principles and practices of purchasing and inventory functions.

Ability to:

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

Assist with the preparation and administration of departmental operating and capital improvement budgets and control budget expenditures.

Effectively manage assigned areas of the departmental program.

Qualifications (Continued)

Ability to:

Supervise, evaluate, train and coach assigned staff.

Interpret and apply pertinent laws, rules and regulations.

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

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

Communicate clearly and concisely, both orally and in writing.

Gain cooperation through discussion and persuasion.

Experience and Training Guidelines

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

Experience:

Six years of increasingly responsible program management experience in public accounting or governmental setting and financial work including at least two years of administrative and supervisory responsibility.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in accounting, finance, business administration or a related field. A Master's degree in Business Administration or Public Administration is highly desirable.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license. Possession of a Certified Public Accountant (CPA) certificate is highly desirable.

WORKING CONDITIONS:

Environmental Conditions:

Office environment.

WORKING CONDITIONS (Continued)

Physical Conditions:

Essential and marginal functions may require maintaining physical condition for sitting for prolonged periods of time; attending meetings; and using a personal computer and related office equipment.

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 13

Print

A RESOLUTION APPROVING A SECOND AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND MINAGAR & ASSOCIATES IN THE AMOUNT OF $7,121 FOR TRAFFIC ENGINEERING SERVICES FOR THE CITY OF MODESTO TRAFFIC SIGNAL RETIMING PROJECT OUTSIDE MODESTO'S CENTRAL BUSINESS DISTRICT

WHEREAS, on May 1, 2001, the City entered into a Traffic Engineering Services Agreement between the City of Modesto and Minagar & Associates for traffic engineering services for the City of Modesto Traffic Signal Retiming Project Outside Modesto's Central Business District, and

WHEREAS, said agreement required Minagar & Associates to undertake and complete the traffic engineering services in accordance with a scope of work described in the original Agreement as "Exhibit A", and

WHEREAS, on July 24, 2001, a First Amendment to the agreement was approved, adding an additional $18,510 and twelve traffic signals to the project, and

WHEREAS, subsequent to executing the original Agreement and First Amendment to the Agreement between the City and Minagar & Associates, an additional scope of work was identified by the City as needing to be included in Minagar & Associates' contract consisting of four additional intersections, and

WHEREAS, Minagar & Associates in a proposal dated November 1, 2001, identified the level of effort and cost required to add the additional scope of work to the contract, and

WHEREAS, the City is desirous of contracting with Minagar & Associates to perform the additional scope of work,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment to the Agreement with Minagar & Associates in an amount not-to-exceed $7,121 for continued traffic engineering services through project closeout.

BE IT FURTHER RESOLVED that Exhibit A in the original Agreement which specifies the original scope of services by Minagar & Associates is hereby modified to add the additional scope of work as set forth in Minagar & Associates' November 1, 2001, proposal attached hereto as Exhibit C.

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, CITY ATTORNEY

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-14

A RESOLUTION ACCEPTING THE PROJECT TITLED "TRAFFIC SIGNAL AT HATCH ROAD AND DALLAS STREET" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Traffic Signal at Hatch Road and Dallas Street, has been completed by Tennyson Electric, Inc., in accordance with the contract agreement dated March 7, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Traffic Signal at Hatch Road and Dallas Street project be accepted from said contractor, Tennyson Electric, Inc., and that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $142,770.00 as provided in the contract, be authorized.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-15

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "WATER MAIN CONSTRUCTION ON CHURCH STREET IN EMPIRE" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Water Main Construction on Church Street in Empire, has been completed by W. M. Lyles Co., in accordance with the contract agreement dated July 24, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Water Main Construction on Church Street in Empire Project be accepted from said contractor, by W. M. Lyles Co., and that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $223,078.00 as provided in the contract, be authorized.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-16

A RESOLUTION ACCEPTING THE PROJECT TITLED "CAPE SEAL AND RESTRIPE BUS YARD" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Cape Seal and Restripe Bus Yard, has been completed by California ISS, Inc., in accordance with the contract agreement dated June 6, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Cape Seal and Restripe Bus Yard Project be accepted from said contractor, by California ISS, Inc., and that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $40,594.45 as provided in the contract, be authorized.

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-17

A RESOLUTION ACCEPTING THE PROJECT TITLED "INSTALLATION OF TRAFFIC SIGNAL AT 9TH STREET AND CARVER ROAD" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Installation of Traffic Signal at 9th Street and Carver Road, has been completed by Tennyson Electric, Inc., in accordance with the contract agreement dated January 11, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Installation of Traffic Signal at 9th Street and Carver Road project be accepted from said contractor, Tennyson Electric, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $186,202.00 as provided in the contract, be authorized.

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-18

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 ANNUAL BUDGET TO ESTIMATE ADDITIONAL FEDERAL FUNDS AND APPROVING AN APPROPRIATION TRANSFER FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT 9TH STREET AND CARVER ROAD PROJECT

WHEREAS, on February 17, 2000, the City Council awarded a $181,472.00 contract to Tennyson Electric, Inc. to install a traffic signal at the 9th Street and Carver Road intersection within the City of Modesto, and

WHEREAS, staff successfully applied for an increase to the Federal Congestion Mitigation and Air Quality (CMAQ) grant for the project, and

WHEREAS, the Federal grant increase allows funds transferred previously to fully fund the project to be transferred back to the original account, and

WHEREAS, said funds can be utilized for future traffic signal projects.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the 2001-02 Annual Budget is hereby amended to recognize additional revenue of $42,000.00 to the project Account Number 141-160-H977, "Traffic Signal 9th and Carver," and that an appropriation transfer of $38,000.00 from Account Number 141-160-H977, "Traffic Signal 9the and Carver," to Account Number 1410-160-M194, "New Traffic Signals" is hereby authorized.

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

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

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-19

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND UNION PACIFIC RAILROAD IN THE AMOUNT OF $32,763 FOR THE PURCHASE OF 14,117 SQUARE FEET OF LAND FOR CONSTRUCTION OF THE KANSAS NEEDHAM OVERCROSSING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT DEED ON THE PROPERTY.

WHEREAS, on December 4, 2001, the City Council adopted a Resolution of Necessity to acquire the remaining property interests for the Kansas-Needham Overcrossing project, and

WHEREAS, Union Pacific Railroad agreed to sell this parcel to the City, and

WHEREAS, the total cost of $32,763 for this land acquisition is reasonable, and

WHEREAS, this property is necessary for construction of the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement between the City and Union Pacific Railroad in the amount of $32,763 for the purchase of 14,117 square feet of land for construction of the aforesaid project.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute the necessary Grant Deed for purchase of the aforesaid property.

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-19A

A RESOLUTION APPROVING A RIGHT OF ENTRY AGREEMENT BETWEEN THE CITY OF MODESTO AND UNION PACIFIC RAILROAD FOR THE PURPOSE OF CONSTRUCTING THE FOUNDATION AND OVERHEAD FOR THE KANSAS NEEDHAM OVERCROSSING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE RIGHT OF ENTRY AGREEMENT ON BEHALF OF THE CITY.

WHEREAS, on December 4, 2001, the City Council adopted a Resolution of Necessity to acquire the remaining property interests for the Kansas-Needham Overcrossing project, and

WHEREAS, the Kansas-Needham Overcrossing project is funded by a grant for separating train and vehicle traffic, and

WHEREAS, access to this property is necessary for construction of the foundation and overhead for the Kansas-Needham Overcrossing,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Right of Entry Agreement between the City and Union Pacific Railroad for the purpose of City entering the right-of-way to construct the foundation and overhead for the Kansas-Needham Overcrossing.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute said Right of Entry Agreement.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-20

A RESOLUTION APPROVING A $520,000.00 CONTRACT INCREASE TO FULLY FUND THE PHASE II CONSTRUCTION AND MAINTENANCE (C & M) RAILROAD AGREEMENT WITH UNION PACIFIC RAILROAD FOR THE 9th STREET RAILROAD PROJECT

WHEREAS, on August 8, 1998, City Council approved the Phase II Railroad Agreement with Union Pacific Railroad for $4,600,000 to install various track spurs, switches, a crew quarters building, and removal of tracks, and

WHEREAS, the Union Pacific Railroad has already exceeded the amount estimated in the agreement by $356,268.42, and

WHEREAS, an additional $150,000 in Union Pacific Railroad work is anticipated to remove track in the Virginia corridor, and

WHEREAS, the agreement stipulates the city must pay 95% of all Union Pacific Railroad costs, and

WHEREAS, the Federal Demonstration Grant has approved funds for the Union Pacific Railroad work,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes that the Union Pacific Railroad Construction and Maintenance Agreement be increased by $520,000, from $4,600,000 to 5,120,000.

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

01/08/02/E&T/K Becker

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 21

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SALIDA SANITARY DISTRICT, FOR THE PURPOSE OF UTILIZING CITY STAFF AND EQUIPMENT TO PROVIDE EMERGENCY SEWER SYSTEM MAINTENANCE AND EQUIPMENT REPAIR, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the Salida Sanitary District ("District") owns, maintains, and operates a sewage collection system serving the unincorporated town of Salida, California, and

WHEREAS, the District has limited resources regarding specialized sewer maintenance equipment and the ability to service and repair this specialized sewer maintenance equipment, and

WHEREAS, there may be times when sewer collection system blockages occur requiring urgent action to clear them before public health is adversely affected, and

WHEREAS, the District's resources and equipment may not be operable at such an urgent time, and

WHEREAS, the City of Modesto with its larger system, work force, and equipment pool, in the interest of furthering protection of public health, is willing to provide, at cost, assistance to the District at such times as the District's equipment is inoperable or if the nature of the blockage is greater than the District's equipment is capable of clearing, and

WHEREAS, the City operates a full service equipment maintenance shop and employs skilled mechanics familiar with the repair of sewer maintenance equipment, and

WHEREAS, the Utility Services & Franchises Committee reviewed and approved this recommendation at their meeting of November 28, 2001,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Salida Sanitary District for the purpose of utilizing City staff to provide emergency support services to the District is hereby approved.

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael Milich

MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-22

A RESOLUTION ESTABLISHING A BAIL SCHEDULE (FINE) FOR VIOLATION OF SECTION 3-2.2001, et seq. OF THE MODESTO MUNICIPAL CODE REGARDING PARKING OF OVERSIZED VEHICLES AND TRAILERS IN RESIDENTIAL AREAS

WHEREAS, the Court of Stanislaus County has delegated to local jurisdictions within the County of Stanislaus the power to establish bail schedules for parking violations within said jurisdictions, subject to Court approval, and

WHEREAS, the Council of the City of Modesto now desires to establish a parking violation bail (commonly called fine) for parking of oversized vehicles and trailers in residential areas pursuant to Section 3-2.2001, et seq. of the Modesto Municipal Code, and

WHEREAS, a study of parking violation bails has been conducted by the Modesto Police Department that indicates a bail of $50.00 to $75.00 for this violation is consistent and fair, and

WHEREAS, the City of Modesto's current fine for large trucks parking in residential areas is $50.00 per violation, and

WHEREAS, the Financial Policy Committee at its meeting on

September 27, 2001, and the Public Safety Committee at its meeting on October 4, 2001, recommended a bail of $75.00 for parking oversized vehicles and trailers in residential areas in violation of Section 3-2.2001, et seq. of the Modesto Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the bail of $75.00 for parking of oversized vehicles and trailers in residential areas in violation of Section 3-2.2001, et seq. of the Modesto Municipal Code.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-23

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION OR AS SCRAP FOR THE PERIOD OF JANUARY 1, 2002, THROUGH DECEMBER 31, 2002, ON THE CONDITION THAT SAID ITEMS ARE FIRST OFFERED TO OTHER CITIES WITHIN THE COUNTY.

WHEREAS, the City Manager is authorized by City Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council , and

WHEREAS, the City's surplus items consist of (1) obsolete traffic signal heads; (2) lost, stolen, unclaimed and/or seized property, and excess property accumulated by the City; unclaimed bicycles accumulated at the Police Department Evidence and Property Room; (3) and surplus City vehicles, and

WHEREAS, the City Council desires to offer surplus items to other Cities in the County prior to commencing the bid process, and

WHEREAS, it is the intent of the City's Purchasing Division to seek City Council approval for annual approval for disposition of surplus property in accordance with Section 801 of the City Charter, and

WHEREAS, by approving an annual staff report for disposition of surplus property, without returning to City Council for subsequent approval, the City will save substantial staff and processing time, and

WHEREAS, the estimated gross revenue to be received from the sale of surplus property from January 1, 2002, through December 30, 2002, is between $25,000 to $50,000, and

WHEREAS, by Resolution No. 2001-423, City's current auction agreement entered into on August 14, 2001, provides for auctioneering services by Roger Ernst and Associates at their facility located at 824 W. Kiernan Avenue, in Modesto, and

WHEREAS, the City's Purchasing Division has recommended on occasion that specific surplus property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates, and

WHEREAS, should the sealed bid process or the public auction process not bring the desired result, City staff proposes that the property should be sold for scrap, and

WHEREAS, the list of items to be sold at auction or surplus will be on file in the office of the City Clerk, and

WHEREAS, the Central Stores Manager would be permitted to call Roger Ernst and Associates to coordinate pick-up of surplus property (such as vehicles) after the appropriate surplus property forms have been approved by the Purchasing Division, and

WHEREAS, after an auction is held, the Purchasing Division will prepare a recap memorandum to account for the items sold and the proceeds obtained for the auction, and

WHEREAS, the Purchasing Division will submit said recap memorandum to the Finance Director and will have the proceeds deposited to the proper accounts.

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

SECTION 1. The City Council hereby authorizes the City's Purchasing Division to seek City Council approval in December of each year for annual approval for the disposition of surplus property in accordance with Section 801 of the City Charter.

SECTION 2. The City Council hereby directs that prior to the commencement of the bid process for surplus items, the City Purchasing Division shall first offer said surplus items to other cities within the County.

SECTION 3. The City Manager or his designated representatives are hereby authorized and directed to sell on a sealed bid basis to the highest bidder any surplus properties, which remain after said surplus items have been offered to other cities in the County, as set forth on the list on file in the City Clerk's office, which are found surplus.

SECTION 4. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on August 14, 2001, and which was approved by Council Resolution NO. 2001-423, which provides for auctioneering services to be provide by Roger Ernst and Associated, subject to the appropriate insurance being on file in the office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of items to be offered for sale can be inspected in the office of the City Clerk.

SECTION 5. If said property cannot be sold on a sealed bid process or the public auction process, then said property may be sold for scrap.

SECTION 6. The City's Central Stores Manager is hereby authorized to contact Roger Ernst and Associated to coordinate pick-up of surplus property after then necessary surplus property forms have been approved by the Purchasing Division.

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-24

Print

A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2000-2 (COFFEE-CLARATINA) AND AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #1)

WHEREAS, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), proceedings for annexation of additional territory to an existing community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2000-629, adopted on, December 12, 2000 (the "Resolution of Formation") establish Community Facilities District No.2000-2 ("the District"), and

WHEREAS, this Council hereby determines that the pubic convenience and necessity require the annexation, pursuant to Section 53339 of the Act, of certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits,

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

SECTION 1. The above recitals are true and correct.

SECTION 2. Certain territory is proposed to be annexed to the District (the "Annexed Territory") under the terms of the Act.

SECTION 3. The original boundaries of the District are shown on a map entitled "Proposed Boundaries of Community Facilities District No.2000-2 of the City of Modesto, County of Stanislaus, State of California" on file with the County Recorder of the County of Stanislaus, at Volume 3 of Maps of Assessment and Community Facilities Districts, at Page 42.

SECTION 4: The Annexed Territory is described in Exhibit "A" to this Resolution.

The boundaries of the Annexed Territory are also shown on the maps thereof, entitled "Annexation No. 1 to Coffee-Claratina CFD No. 2000-2", on file in the office of the City Clerk, and hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than 10 days after the adoption of this Resolution, file a copy of the map with the County

Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District.

SECTION 5. The type of services authorized to be provided to the District are set forth in the Public Report, dated November 13, 2000, a copy of which is attached hereto as Exhibit "B". These same types of services will be provided to the Annexed Territory.

SECTION 6. The Maintenance Special Tax component of the special tax to be levied in the Annexed Territory shall be the same as the Maintenance Special Tax currently levied in the original District, as set forth in the Resolution of Formation. It is the intention of the City Council that in the event all of the subject taxes are not approved by the qualified electors of the Annexed Territory at an election to be held subsequent to the approval of this Resolution of Intention, that then, and in that sole event, the annexation of the Annexed Territory shall be a nullity, and void from the date of the public hearing on this resolution where it is approved.

Pursuant to the Public Report, the maximum Annual Special Tax shall be adjusted annually. The tax rate in effect as of July 1, 2001, is $2,467.12 per acre.

SECTION 7. A public hearing upon this Resolution shall be held at 5:15 p.m., or as soon thereafter as practicable, on Tuesday, February 12, 2002, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than thirty (30) or more than sixty (60) days following the adoption thereof.

SECTION 8. At the hearing, any interested persons for or against the annexation of the Annexed Territory to the District, and the levy of the special tax therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 9. The City Clerk is directed to publish, not later than seven (7) days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard.

SECTION 10. If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Annexed Territory, or the owners of one-half or more of the area of land in the District and not exempt from the special tax, or the owners of one-half or more of the Annexed Territory, file written protests against the proposed annexation of the Annexed Territory to the District, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Annexed Territory, or to levy the District special tax therein, shall be taken for a period of one year from the date of the election of the Council on the issues discussed at the hearing.

At the conclusion of the hearing, if the Council determines to annex the Annexed Territory, it shall then submit the levy of the District special tax to the qualified electors of the Annexed Territory in a special election.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

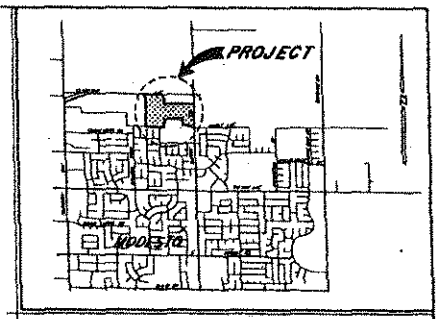
By
MICHAEL D. MILICH, City Attorney

Exhibit "A"
(Territory To Be Annexed)

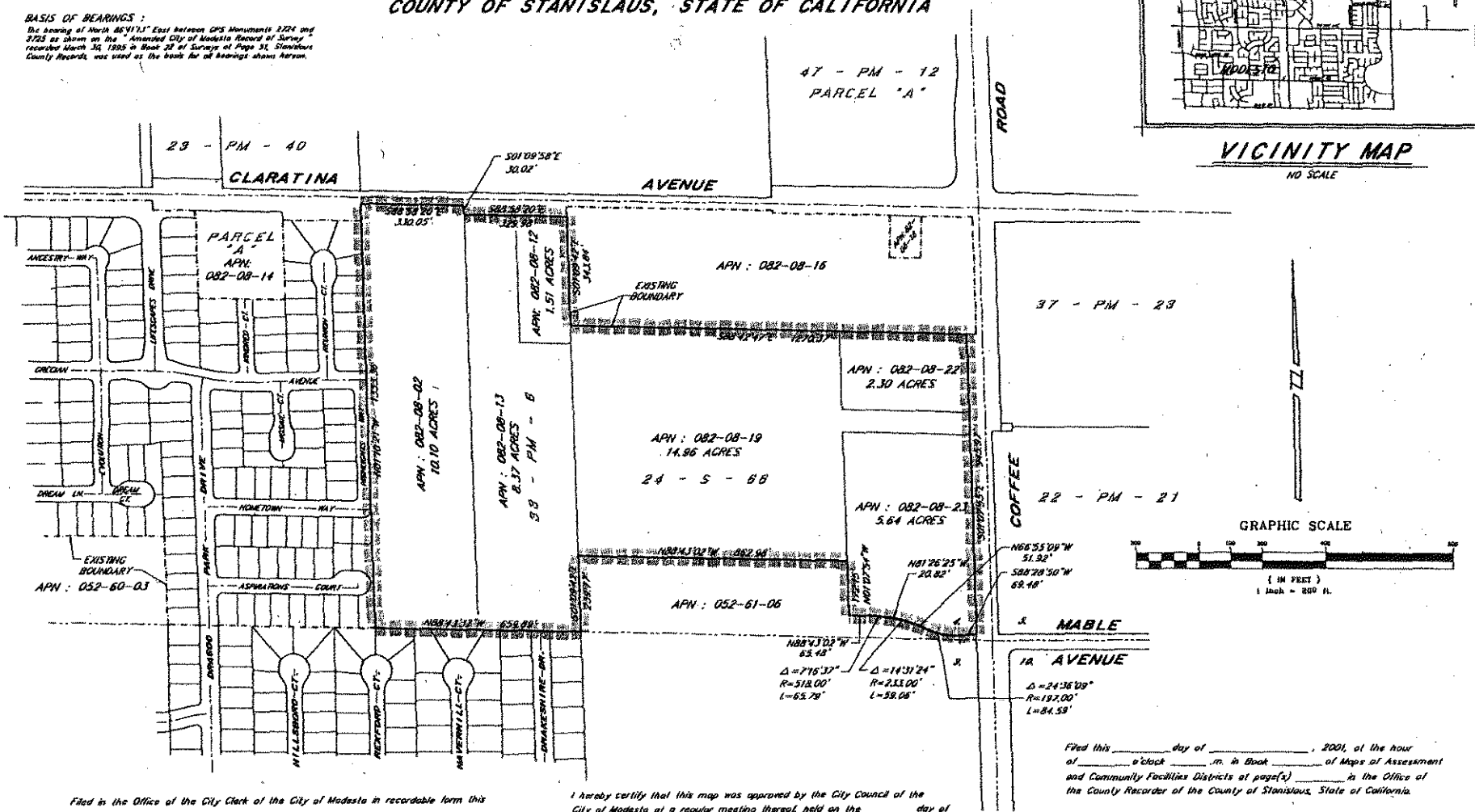
COMMUNITY FACILITIES DISTRICT NO. 2000-2

PROPOSED BOUNDARIES OF ANNEXATION #1 TO CFD DISTRICT NO. 2000-2 (COFFEE-CLARATINA) CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA

BASIS OF BEARINGS :
The bearing of North 86°41'13" East between GPS Monuments 3724 and 3725 as shown on the "Amended City of Modesto Record of Survey" recorded March 30, 1995 in Book 32 of Surveys at Page 31, Stanislaus County Records, was used as the basis for all bearings shown hereon.



VICINITY MAP
NO SCALE



GRAPHIC SCALE
(IN FEET)
1 inch = 200 ft.

Filed in the Office of the City Clerk of the City of Modesto in recordable form this _____ day of _____, 2001.

JEAN ZAHR, City Clerk

I hereby certify that this map was approved by the City Council of the City of Modesto at a regular meeting thereof, held on the _____ day of _____, 2001, by its Resolution No. _____.

JEAN ZAHR, City Clerk

Filed this _____ day of _____, 2001, at the hour of _____ o'clock _____ .m. in Book _____ of Maps of Assessment and Community Facilities Districts at page(s) _____ in the Office of the County Recorder of the County of Stanislaus, State of California.

KAREN MATHEWS, County Recorder of the County of Stanislaus, State of California

SHEET 1 OF 1

Exhibit "B"
(Public Report)

CITY OF MODESTO
COFFEE-CLARATINA
COMMUNITY FACILITIES DISTRICT NO. 2000-2

CFD REPORT

November 13, 2000

Prepared For:

CITY OF MODESTO

Prepared By:

DAVID TAUSSIG &ASSOCIATES, INC.
425 University Avenue, Suite 110
Sacramento, California 95825
(916) 920-1109

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	C. CFD Special Tax Structure	2
III.	**Description of Services and Expenses to be Funded by CFD No. 2000-2**	2

APPENDICES:

Appendix A: CFD Boundary Map
Appendix B: Calculation of Maximum Special Tax
Appendix C: Rate and Method of Apportionment of Special Tax
Appendix D: Services to be Funded by CFD 2000-2

I. *INTRODUCTION*

The Coffee-Claratina site is located within a "Comprehensive Planning District (CPD)", which, pursuant to the City of Modesto General Plan, necessitates adoption of a specific plan prior to development within the area. The Coffee-Claratina Specific Plan was adopted by the Modesto City Council setting forth a plan for development which includes 130 acres designated for a maximum of 1,000 residential dwelling units, 40 acres designated "Regional Commercial", and 15 acres of "Mixed Community Commercial" development. The Coffee-Claratina CPD is located on the south side of Claratina Avenue, bound by Coffee Road on the east, McHenry Avenue on the west, and the Modesto City limits to the south.

Tentative maps approved for development within the Specific Plan area require, as a condition of development, that the property be included within a Mello-Roos Community Facilities District (CFD) to fund maintenance of median, bikeway, round-about and miscellaneous planting areas. In addition, the CFD will generate funding for maintenance and repair of a storm drain basin and dual-use flood control/recreation facility.

II. *STRUCTURE OF COMMUNITY FACILITIES DISTRICT NO. 2000-2*

A. Introduction

A Mello-Roos CFD may provide for the purchase, construction, expansion or rehabilitation of any real or tangible property, including public facilities and infrastructure improvements, with an estimated useful life of five (5) years or longer, which is necessary to meet increased demands placed upon local agencies as a result of development or rehabilitation occurring within the CFD. In addition, a CFD may pay for various public services and maintenance of public improvements, including parkways and open space.

The Resolution of Intention to Establish CFD No. 2000-2 was adopted by the City Council on October 17, 2000. After a public hearing and a successful election by the landowners within the CFD, the CFD will be formed and the levy of a special tax will be authorized.

B. Boundaries of Coffee-Claratina CFD

The initial boundaries of the CFD include six assessor's parcels and a total of 78.10 gross acres. Nine additional assessor's parcels are anticipated to annex into CFD No. 2000-2 when development is triggered on the parcels; ultimately, the CFD will include approximately 131 gross acres and an estimated 78 net developable acres. A copy of the boundary map for CFD No. 2000-2 is included as Appendix A of this CFD Report. Appendix B identifies the assessor's parcels that are ultimately expected to be included with the boundaries of CFD No. 2000-2 and the maximum special tax that can be collected within the CFD based on the estimated net developable acreage of these parcels.

C. CFD Special Tax Structure

Each year a special tax will be levied and collected from parcels within the CFD to pay costs associated with the maintenance and repair of a storm drain basin and a dual-use flood control/recreation facility, and the ongoing maintenance of median, bikeway, round-about and miscellaneous planting areas within the Specific Plan. The Rate and Method of Apportionment of Special Tax ("RMA"), which describes in detail how the tax will be allocated among properties in the CFD, is included as Appendix C of this report.

As explained in the RMA, an "Annual Special Tax" will be levied to pay for authorized maintenance expenses, in an amount not to exceed $2,468 per acre in fiscal year 2001-02 dollars. This maximum tax will escalate each year by applying the greater of (i) the percentage increase, if any, in the Engineering News Record construction cost index for the San Francisco region for the prior twelve month period, or (ii) four percent. The Annual Special Tax will first be levied on "Developed Property", which is defined, for a particular fiscal year, as any parcel for which a final building permit inspection was conducted or certificate of occupancy issued by June 1 of the preceding fiscal year. After the maximum Annual Special Tax has been collected from Developed Property, the remaining amount needed for authorized expenses in the fiscal year will be collected from "Undeveloped Property", which includes all parcels that have not had a final building permit inspection conducted or certificate of occupancy issued.

In addition to the Annual Special Tax, an "Annexation One-Time Special Tax" will be collected from all parcels that annex into CFD No. 2000-2 in future fiscal years. The Annexation One-Time Special Tax will be calculated pursuant to the formula set forth in Section E of the RMA and will be collected to reimburse the landowner who made the initial deposit to the City to pay the costs of forming CFD No. 2000-2. The Annexation One-Time Special Tax must be paid prior to approval by the City Council of the resolution approving the annexation.

III. DESCRIPTION OF SERVICES AND EXPENSES TO BE FUNDED BY CFD NO. 2000-2

The individual line-item service costs to be funded by CFD No. 2000-2 are identified in Appendix D of this report.

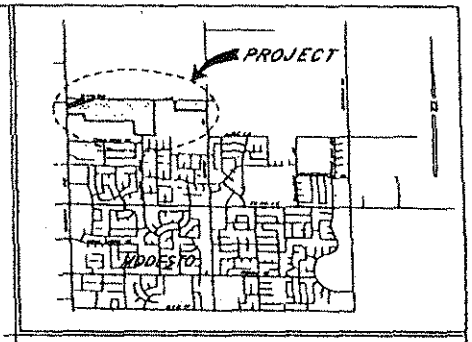
APPENDIX A

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2 OF THE CITY OF MODESTO

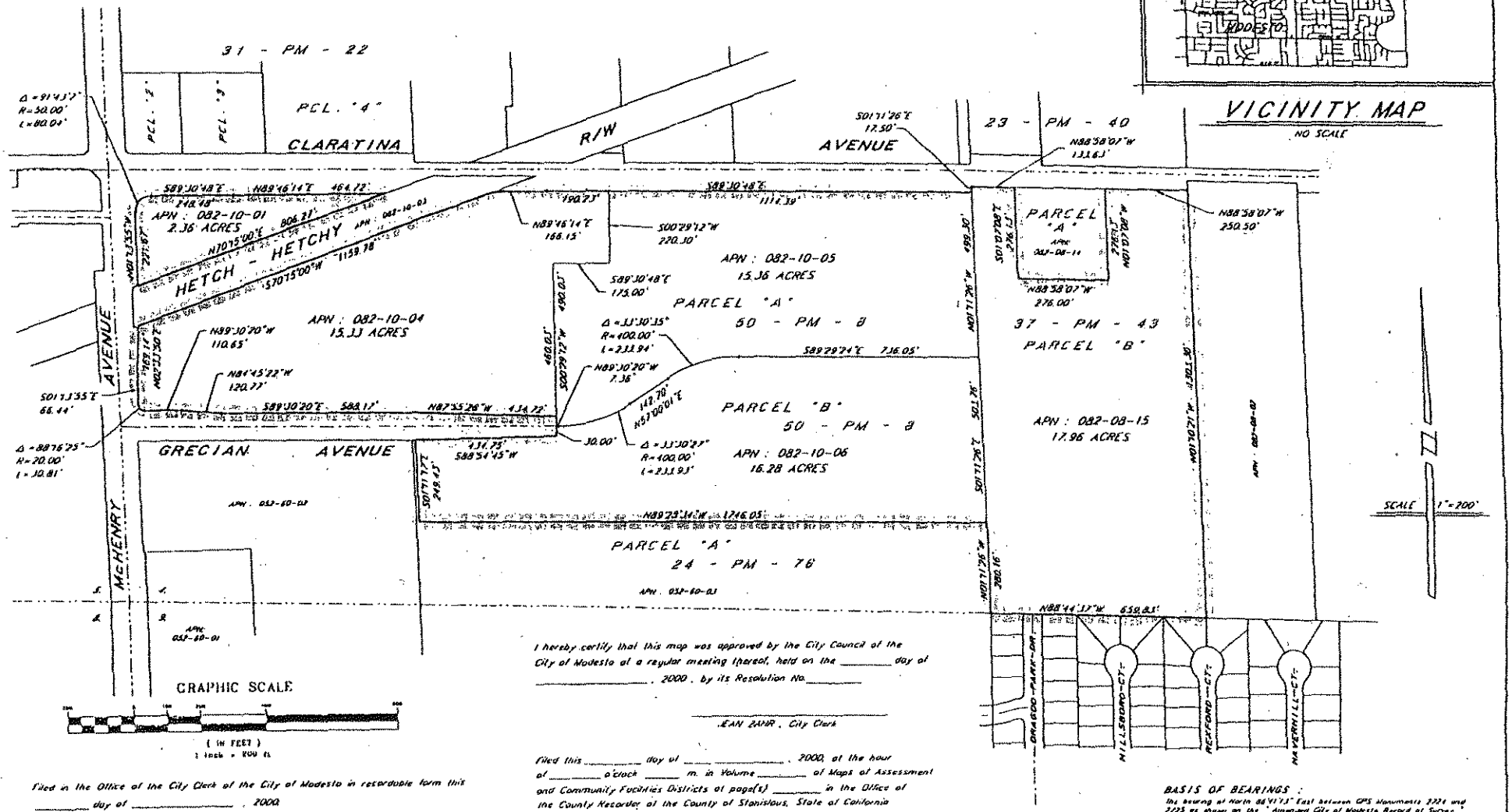
CFD BOUNDARY MAP

COFFEE-CLARATINA CFD NO. 2000-2

PROPOSED BOUNDARIES OF CFD DISTRICT NO. 2000-2
CITY OF MODESTO, COUNTY OF STANISLAUS
STATE OF CALIFORNIA



VICINITY MAP
NO SCALE



GRAPHIC SCALE

(IN FEET)
1 inch = 200 ft.

I hereby certify that this map was approved by the City Council of the City of Modesto at a regular meeting thereof, held on the _____ day of _____, 2000, by its Resolution No. _____

JEAN ZAHR, City Clerk

Filed this _____ day of _____, 2000, at the hour of _____ o'clock _____ m. in Volume _____ of Maps of Assessment and Community Facilities Districts at page(s) _____ in the Office of the County Recorder of the County of Stanislaus, State of California

County Recorder of the

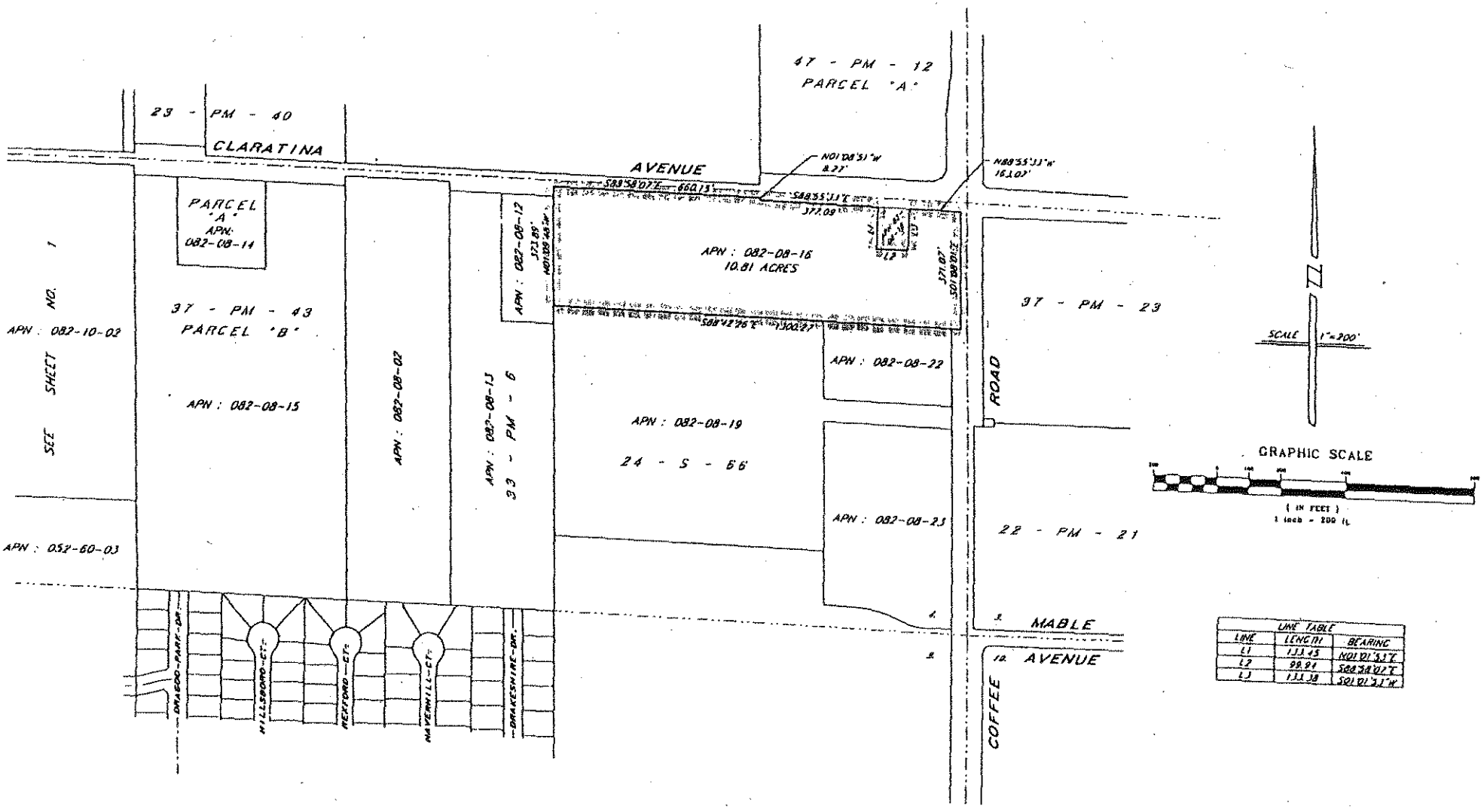
Filed in the Office of the City Clerk of the City of Modesto in recordable form this _____ day of _____, 2000

JEAN ZAHR, City Clerk

BASIS OF BEARINGS :
The bearing of North 88°41'13" East between GPS Monuments 2224 and 2225 as shown on the "Amended City of Modesto Record of Survey" recorded March 30, 1993 in Book 32 of Surveys at Page 51, Stanislaus County Records, was used as the basis for all bearings shown hereon.

COFFEE-CLARATINA CFD NO. 2000-2

PROPOSED BOUNDARIES OF CFD DISTRICT NO. 2000-2
CITY OF MODESTO , COUNTY OF STANISLAUS
STATE OF CALIFORNIA



LINE TABLE

LINE	LENGTH	BEARING
L1	133.45	N01°01'53"E
L2	99.91	S88°58'07"E
L3	133.38	S01°01'53"W

APPENDIX B

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2 OF THE CITY OF MODESTO

CALCULATION OF MAXIMUM SPECIAL TAX

CITY OF MODESTO
COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2

CALCULATION OF MAXIMUM ANNUAL SPECIAL TAX

Cost Estimates	
Annual Maintenance Costs (2000 $) (including 10% administration)	$182,462

Maximum Tax Calculation	
Maximum Annual Special Tax (FY 2001-02) /1	$2,467.12 per acre

Acreage Within CFD

APN	Net Developable Acreage/2
082-10-01	2.37
082-10-03	0.00
082-10-04	14.36
082-10-05	10.01
082-10-06	12.32
082-08-02	1.98
082-08-12	1.20
082-08-13	3.34
082-08-14	1.35
082-08-15	4.08
082-08-16	7.55
082-08-18	0.00
082-08-19	11.65
082-08-22	2.14
082-08-23	5.50
Net Developable CFD Acreage	77.85
Buffer for Maximum Tax Calculation	5.00%
Estimated Net Taxable Acreage in CFD	73.96

1. The maximum Annual Special Tax will escalate each year at the greater of (i) the percentage increase in the ENR Index for the San Francisco region, or (ii) four percent.

2. Source: Benchmark Engineering, Inc.

APPENDIX C

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2 OF THE CITY OF MODESTO

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

CITY OF MODESTO
COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A special tax applicable to each Assessor's Parcel in Coffee-Claratina Community Facilities District No. 2000-2 (herein "CFD No. 2000-2") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2000-2, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2000-2 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

"**Annual Special Tax**" means a special tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement.

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

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

"**City**" means the City of Modesto.

"**City Council**" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2000-2.

"**Developed Property**" means, in any Fiscal Year, all Taxable Property for which a final building permit inspection was conducted or a certificate of occupancy issued prior to June 1 of the preceding Fiscal Year.

"District Administrator" means the individual(s) designated by the City Council to administer the CFD in accordance with the authority and powers granted by the City Council to said individual(s).

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

"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year to (i) pay for authorized maintenance expenses, (ii) pay administrative expenses of CFD No. 2000-2, (iii) cure any delinquencies in the payment of Annual Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Annual Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected, and (iv) maintain a reasonable reserve, as determined by the District Administrator, for unforeseen expenses, cost overruns, etc.

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

"Proportionately" means, for Developed Property, that the ratio of the actual Annual Special Tax levied in any Fiscal Year to the Maximum Annual Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual Annual Special Tax to the Maximum Annual Special Tax is equal for all Assessor's Parcels of Undeveloped Property.

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

"Taxable Property" means all of the Assessor's Parcels within the boundaries of CFD No. 2000-2 which are not exempt from the Annual Special Tax pursuant to law or Section E below.

"Undeveloped Property" means, in any Fiscal Year, all Taxable Property that is not Developed Property.

B. CATEGORIZATION OF PARCELS

Each Fiscal Year, the District Administrator shall identify the current Assessor's Parcel number for each Assessor's Parcel within the CFD, and shall categorize each Parcel of Taxable Property as Developed Property or Undeveloped Property. The District Administrator shall also identify the current Acreage of each Parcel by reference to the Stanislaus County Assessor's Parcel Maps.

C. MAXIMUM ANNUAL SPECIAL TAX

The Maximum Annual Special Tax for all Parcels of Taxable Property within CFD No. 2000-2 for Fiscal Year 2001-02 is $2,468 per Acre. Beginning in January 2002, the Maximum Annual Special

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

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

Each Fiscal Year, the District Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Special Tax shall then be levied on all Parcels of Taxable Property as follows:

Step 1: The Annual Special Tax shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Annual Special Tax for Taxable Property for such Fiscal Year determined pursuant to Section C;

Step 2: If additional revenues are needed to meet the Maintenance Special Tax Requirement after Step 1, the Annual Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Special Tax for Taxable Property for such Fiscal Year determined pursuant to Section C.

The Annual Special Tax for CFD No. 2000-2 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes provided, however, that CFD No. 2000-2 may (under the authority of Government Code Section 53340) in any particular case bill the taxes directly to the property owner, off the County tax roll, and the Annual Special Tax will be equally subject to foreclosure if delinquent.

E. ANNEXATION ONE-TIME SPECIAL TAX

A one-time Special Tax shall be levied on property that annexes into CFD No. 2000-2 after the CFD is formed. This "Annexation One-time Special Tax" shall be used to reimburse the landowner who made the initial deposit to the City to cover the costs of forming the CFD. The Annexation One-time Special Tax shall be calculated for each annexing property as follows:

Step 1. Add the estimated net developable acres for the annexing property to the estimated net developable acreage for property already within the CFD at the time of annexation;

Step 2. Divide the net developable acres within the annexation area by the sum determined in Step 1 to determine the annexing property's share of the total net developable acreage within the CFD;

Step 3. Multiply the quotient determined in Step 2 by either (i) $64,500 in 2000 dollars, which shall increase on January 1, 2001 and on each January 1 thereafter by applying the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) such lower number as shall be determined by the City as the amount that was actually expended to cover the costs of formation of CFD No. 2000-2.

The Annexation One-time Special Tax must be paid prior to approval by the City Council of the resolution approving the annexation. If for any reason the Annexation One-time Special Tax has not been paid for property that has been annexed into the CFD, the Annexation One-time Special Tax shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the City Council adopted the resolution approving the annexation and on the first day of each month thereafter. Any such delinquent special taxes shall, at the City's discretion, be placed on the next secured property tax roll along with the Annual Special Tax levied pursuant to Section D above. The amount placed on the roll shall include the 10% penalty and interest charges through the following December 1.

F. LIMITATIONS

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

G. ENFORCEMENT

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

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APPENDIX D

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2 OF THE CITY OF MODESTO

DETAIL OF EXPENSES TO BE FUNDED BY CFD

Coffee-Claratina CFD No. 2000-2

Overview - Storm Drain Basin Expenses

Description	Annual Expense
Specific Plan Area	
Median Plantings (25,396 s.f. @ $.61 + 20% contingency)	$ 18,589.87
Bikeway Plantings (36,167 s.f. @ $.61 + 20% contingency)	$ 26,474.24
Round About Plantings (1,591 s.f. @ $.61 + 20% contingency)	$ 1,164.61
Back Up Lot Plantings (2,849 s.f. @ $.61 + 20% contingency)	$ 2,085.47
MID power costs ($20/mo. per location * 6 locations * 12 mos.)	$ 1,440.00
West Basin	
Crew Leader (12 one-hour visits @ $20.73/hr + 32% benefits)	$ 328.36
Supervisor (4 one-hour visits @ $26.02/hr + 32% benefits)	$ 137.39
Superintendent (2 one-hour visits @ $33.23/hr + 32% benefits)	$ 87.73
Equipment	
1/2 Ton Full Size Pick-Up - Crew Leader (12 hrs x $2.37)	$ 28.44
1/2 Ton 4/4 Full Size Pick-up - Supervisor (4 hrs x $2.50)	$ 10.00
1/2 Ton Full Size Pick-Up - Superintendent (2 hrs hrs x $2.37)	$ 4.74
Fence Repair	$ 1,000.00
Maintenance - interior of basin	$ 1,500.00
Annual lab tests	$ 1,200.00
Silt excavation, erosion repair for annual improvement maintenance to basin	$ 9,000.00
Maintenance of landscaping (at build-out) *(includes monthly water charges)*	$ 11,807.51
East Basin	
Crew Leader (12 one-hour visits @ $20.73/hr + 32% benefits)	$ 328.36
Supervisor (4 one-hour visits @ $26.02/hr + 32% benefits)	$ 137.39
Superintendent (2 one-hour visits @ $33.23/hr + 32% benefits)	$ 87.73
Equipment	
1/2 Ton Full Size Pick-Up - Crew Leader (12 hrs x $2.37)	$ 28.44
1/2 Ton 4/4 Full Size Pick-up - Supervisor (4 hrs x $2.50)	$ 10.00
1/2 Ton Full Size Pick-Up - Superintendent (2 hrs hrs x $2.37)	$ 4.74
Fence Repair	$ 1,000.00
Maintenance - interior of basin	$ 1,500.00
Annual lab tests	$ 1,200.00
Silt excavation, erosion repair for annual improvement maintenance to basin	$ 9,000.00
Maintenance of landscaping (9.5 acres @ $8,181/acre) *(includes monthly water charges)*	$ 77,719.50
Administration (10% of total cost)	$ 16,587.45

TOTAL $ 182,461.97

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-25

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 84-362 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PREZONED PLANNED DEVELOPMENT ZONE, P-PD(353). (ELWIN YOUNG)" (SAVE MART SUPERMARKETS).

WHEREAS, the Modesto City Council, by Ordinance No. 2262-C.S., which was introduced on June 12, 1984, finally adopted on June 19, 1984, and which became effective on July 19, 1984, prezoned Planned Development Zone, P-PD(353), to allow development of a neighborhood shopping center allowing C-1 Zone uses, property located on the southwest corner of Standiford Avenue and Prescott Road, and

WHEREAS, City Council Resolution No. 84-362 adopted by the City Council on June 12, 1984, approved the development plan for prezoned Planned Development Zone, P-PD(353), and contained the conditions of approval thereof, and

WHEREAS, the subject property was subsequently annexed to the City of Modesto, said annexation becoming effective on July 29, 1985, and was subsequently developed in accordance with the requirements of Planned Development Zone, P-D(353), and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(353), was filed by James Watt, Save Mart Supermarkets, on October 3, 2001, to allow C-2 Zone, General Commercial Zone, uses in the shopping center and to delete two conditions of approval limiting hours of operation for both the retail operations and loading dock activity, and

WHEREAS, after a public hearing held on December 3, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-72, that amendment of P-D(353) as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The Standiford Square and other adjoining commercial areas are in conformance with the General Plan.

2. The commercial area around the intersection of Standiford Avenue and Prescott Road contains nearly 20 acres and serves more than neighborhood needs. The traffic patterns of the adjoining principal and minor arterial streets also give rise to a need for greater-hour customer service during extended hours.

3. There have been other individual C-2 Zone uses approved in the Standiford/Prescott area including mini-storage and some alcoholic beverage service, not allowed in the C-1 Zone.

4. The presence of Hetch Hetchy right-of-way provides an extra buffer from lower-density residential areas. The right-of-way and the setbacks, walls, screen landscaping and conditions of approval serve to assure compatibility with the adjoining multi-family development.

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 8, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of James Watt, Save Mart Supermarkets for an amendment to P-D(353) should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-72 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3244-C.S. on the 8th day of January, 2002, amending Section 2 of Ordinance No. 2262-C.S to allow General Commercial Zone, C-2, uses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Modesto City Council Resolution No. 84-362 entitled "A Resolution Approving a Development Plan for Prezoned Planned Development Zone, P-PD(353). (Elwin Young)" is hereby amended to read as follows:

" SECTION 1. DEVELOPMENT PLAN. The development plan for Prezoned Planned Development Zone, P-D(353), is hereby approved in accordance with the following conditions:

1. All development shall conform to the plot plan title "Pacific Design Associates" as amended in red, stamped approved by the Planning Commission on April 16, 1984.

2. The applicant shall submit revised plot plans showing all changes required by the Planning Commission prior to the City Council hearing. All development shall conform to these revised plans as amended in red, stamped approved by the Planning Commission on April 16, 1984.

3. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Director of Parks and Recreation in accordance with Section 10-2.1515 of the Modesto Municipal Code. Screen landscaping shall be installed along the southeast and southwest property lines.

4. Fencing shall be constructed prior to occupancy and shall be as follows: Eight-foot decorative masonry wall along the southwest property line and six-foot decorative masonry wall along the southeast property line.

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

6. The developer shall dedicate and/or improve sufficient right-of-way as required by the Director of Engineering Services to complete Standiford Avenue and Prescott Road to major street standard prior to occupancy or upon demand by the City, whichever occurs first. The entire right-of-way dedication for Prescott Road shall be made and Prescott Road development shall be connected through from its dead-end to the south up to Standiford Avenue including the crossing of Hetch-Hetchy right-of-way in a manner required by the Director of Engineering Services.

7. Drainage shall be provided as required by the Director of Engineering Services.

8. All outdoor lighting shall be shielded from adjacent residential properties as required by the Director of Engineering Services.

9. Trash bins shall be kept in enclosures in accordance with the approved plan, and shall be constructed of the same building materials used in the major buildings as determined by the Director of Planning and Community Development.

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

11. The loading dock area on the south side of the shopping center may not be used for outside storage of any type of material.

12. Two freestanding shopping center identification signs shall be permitted, one each on the Prescott Road and Standiford Avenue frontages. These signs shall not exceed 72 square feet in area and 20 feet in height. All other signs in the shopping center shall comply with the sign requirements of the C-3 Zone.

13. Prior to issuance of a building permit for any structure, a parcel map shall be recorded.

14. Prior to issuance of a building permit, the developmer shall pay the City of Modesto the cost of planting street trees, the number as determined by the Director of Engineering Services.

15. All curbcuts serving two-way driveways shall be widened to 41 feet in width.

16. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

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

SECTION 1 CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 2. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-26

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING PLANNED DEVELOPMENT ZONE, P-D(353), PROPERTY LOCATED ON THE SOUTHWEST CORNER OF STANDIFORD AVENUE AND PRESCOTT ROAD, TO ALLOW GENERAL COMMERCIAL ZONE, C-2 USES AND DELETE CONDITIONS OF APPROVAL RELATING TO HOURS LIMITATIONS. (SAVE MART SUPERMARKETS)

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

WHEREAS, Save Mart Supermarkets has proposed an amendment to Planned Development Zone, P-D(353), property located on the southwest corner of Standiford Avenue and Prescott Road, in the City of Modesto to allow C-2 , General Commercial Zone, uses and to delete two conditions of approval limiting hours of operation for both the retail operations and loading dock activity, ("the project"), and

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

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study CDD 2001-77 reviewed the proposed amendment to Planned Development Zone, P-D(353), project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to Planned Development Zone, P-D(353), project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.

2. That the project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.

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

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

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

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

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Initial Study

EA/CDD 2001-77

City of Modesto

Initial Study

EA/CDD 2001-77
November 14, 2001

I. PURPOSE

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

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

II. PROJECT DESCRIPTION

A. Project title:
Application of James Watt, Save Mart Supermarkets for amendment to Planned Development zone P-D(353), the Standiford Square shopping center at the southwest corner of Standiford Ave. and Prescott Rd.

B. Lead agency name and address:
City of Modesto1010 Tenth St., Modesto, CA 95353

C. Contact person, address and phone number:
Bob Cannell, Community Development Department, (209) 577-5274

D. Project Location:
The property is located on the southwest corner of Standiford Ave. and Prescott Rd.

E. Project sponsor:
Save Mart Supermarkets, Attn: Jim Watt

F. General Plan Designation:
Mixed Use (MU) designation

G. Zoning:
Planned Development zone, P-D(353)

H. Description of Proposed Project:
This is a proposed amendment to P-D(353) to remove business hours and delivery hours limitations and to allow General Commercial, C-2 uses in the shopping center at the S/W corner of Standiford Ave. and Prescott Rd.

I. Surrounding land uses:
The project is bounded on the west by a two and three story apartment complex, on the south by the 110 ft wide Hetch Hetchy right of way. The subject property is bounded by a principal arterial street and a minor arterial on the north and east, respectively,with mixed commercial adjoining.

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

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

The proposed P-D(353) zone amendment will not contribute to increased traffic in the neighborhood. The proposed amendment is consistent with the Traffic and Circulation needs section of the MEIR since the traffic generated by the amendment will be no greater than that under current zoning in this portion of the Baseline Developed Area. Therefore, this proposal would not generate any increased traffic from what was projected in the Master Environmental Impact Report, and the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are still valid.

B. Degradation of Air Quality

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

C. Generation of Noise

Since the proposed amendment will not result in any significant increase in intensity of development, it will not create additional noise impacts, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.

D. Loss of Productive Agricultural Land

This area is located in a fully urbanized residential area. The proposed Amendment will not result in the loss of any agricultural land. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. Increased Demand for Water Supplies

Since the proposed amendment will not result in any significant increase in intensity of development, it will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are therefore still valid.

F. Increased Demand for Sanitary Sewer Services

Since the proposed amendment will not result in any significant increase in intensity of development, it will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

This area is located in an area currently developed for commercial uses. The proposed amendment will not result in the loss of any sensitive wildlife and plant habitat not already analyzed in both the General Plan Master Environmental Impact Report and the Pelandale-Snyder EIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

H. Disturbance of Archaeological and Historic Sites

Figure 8-1 of the MEIR indicates that the area is also outside the Archaeological Resource Study Area, and therefore doesn't require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. Drainage, Flooding and Water Quality

Since the proposed amendment will not result in any significant increase in intensity of development, and development in the Baseline Developed Area in the General Plan is providing storm drainage facilities in accordance with the mitigation measures presented in the Master Environmental Impact Report, the Amendment will not present any new impacts to drainage, flooding and water quality that have not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are still valid.

J. Increased Demand for Storm Drainage

Since the proposed amendment will not result in any significant increase in intensity of development, and development in the Baseline Developed Area of the General Plan is providing storm drainage facilities in accordance with the mitigation measures presented in the Master Environmental Impact Report, the Amendment will create no additional demand for storm drainage not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are still valid.

K. Increased Demand for Parks and Open Space

Since the proposed amendment will not result in any significant increase in intensity of development and development in the Baseline Developed Area is providing for parks in accordance with the General Plan, the amendment will create no additional demand for parks and open space not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are therefore still valid.

L. Increased Demand for Schools

Since the proposed amendment will not result in any significant increase in intensity of development and development in the Baseline Developed Area is providing for schools in accordance with the General Plan, the amendment will create no additional demand for schools not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are still valid.

M. Increased Demand for Police Services

Since the proposed amendment will not result in any significant increase in intensity of development, it will create no additional demand for police services not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are therefore still valid.

N. Increased Demand for Fire Services

Since the proposed amendment will not result in any significant increase in intensity of development, it will create no additional demand for fire services not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are therefore still valid.

O. Generation of Solid Waste

This amendment will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation

Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10) are therefore still valid.

P. Generation of Hazardous Materials

Since the proposed amendment will not result in any significant increase in intensity of development, it will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are therefore still valid.

Q. Landslides and Seismic Activity

Since the proposed amendment will not result in any significant increase in intensity of development, it will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are therefore still valid.

R. Energy

This amendment will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed amendment is within the scope of the General Plan Master EIR (SCH No. 92052017.

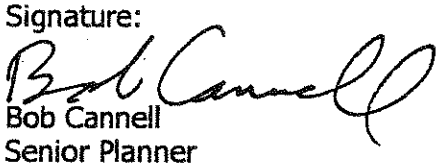
B. No additional significant environmental effects will occur as a result of the proposed amendment that were not previously examined in the General Plan Master EIR.

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

D. There are not specific features unique to this amendment that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.

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

Signature:



Bob Cannell
Senior Planner

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-27

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DITTOS (ACME PRINTING COMPANY, MODESTO,CA) TO SET UP AND MANAGE AN ONLINE LOGO CLOTHING AND PROMOTIONAL ITEMS STORE FOR THE CITY OF MODESTO

WHEREAS, Citizens of Modesto have inquired as to where they could purchase City of Modesto logo clothing, and

WHEREAS, the City Manager has requested that the Purchasing Division of the Finance Department investigate the feasibility of an online City of Modesto store to sell logo clothing and promotional items, and

WHEREAS, the online store is a cost effective, eCommerce business solution for making City of Modesto logo clothing and other promotional items available to City of Modesto employees and citizens, while eliminating the need to use City resources for warehousing and shipping of said items, and

WHEREAS, the online store is directly in line with Action Plan IV.A.4 of the Strategic Plan, "To increase awareness of, and exposure to, technology, for all Modestans", and

WHEREAS, the online store shall be set up and managed by Dittos (Acme Printing Company, Modesto CA.), and

WHEREAS, Dittos has agreed to bear all apparel-related inventory costs, and

WHEREAS, the estimated first year startup and maintenance costs shall be approximately $3,500.00 with following years' ongoing maintenance costs estimated to be approximately $1,500.00, and

WHEREAS, the Financial Policy Committee has recommended approval of a resolution authorizing the City Manager to enter into an agreement with Dittos (Acme Printing Company, Modesto,CA) to set up and manage an online City of Modesto store,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to negotiate an agreement with Dittos (Acme Printing Company, Modesto, CA), to set up and manage an online City of Modesto store. The City Manager is directed to bring the contract to City Council for its review and approval.

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

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

ATTEST: _____
JEAN ZAHR, City Clerk

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-28

A RESOLUTION WAIVING FORMAL BID PROCEDURES BY FIVE (5) AFFIRMATIVE VOTES AND AUTHORIZING THE PURCHASE OF MICROSOFT OFFICE SOFTWARE LICENSES IN THE AMOUNT OF $68,419.

WHEREAS, the City currently needs to purchase 254 Microsoft software licenses to ensure that all City departments are in compliance with Microsoft software licensing agreements, and

WHEREAS, the cost to purchase the new software licenses is $68,419, and

WHEREAS, pursuant to Modesto Municipal Code Section 8-3.301 the formal bid procedure shall not be required when the purchase is waived by at least five (5) affirmative votes of Council, and

WHEREAS, the purchase of additional Microsoft licenses was considered and recommended for approval by the Financial Policy Committee at its special meeting held on January 7, 2002,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the formal request for bids for Microsoft software licenses is hereby waived by five (5) affirmative votes.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby directed to purchase Microsoft software licenses on behalf of the City in an amount not to exceed $68,419.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-29

A RESOLUTION ACCEPTING THE BID OF DETRICK CORPORATION FOR THE PROJECT TITLED "EAST BROADWAY AVENUE / STATE ROUTE 219 WATERLINE RELINING"

WHEREAS, the bids received for East Broadway Avenue/State Route 219 Waterline Relining were opened at 11:00 a.m. on December 11, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $79,216 received from Detrick Corporation be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-30

A RESOLUTION OF INTENTION OF THE MODESTO CITY COUNCIL TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 2002-1, AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE PROPOSED DISTRICT (NORTHPOINTE)

WHEREAS, pursuant to Chapter 25 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (hereinafter the "Act"), proceedings for the establishment of a community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to establish the community facilities district, and

WHEREAS, this Council, as the legislative body of the City of Modesto (hereinafter the "City"), determines that it is in the best interests of the City that this Council institute proceedings for the establishment of a community facilities district pursuant to Section 53313.5 of the Act in order to pay for certain facilities(hereinafter "Facilities") and services (hereinafter "Services"), more particularly described in Exhibit "A", and

WHEREAS, in the event the community facilities district (hereinafter "District") is established, it is the intention of the Council to finance the cost of the Facilities and Services through the levy of a special tax therein to be approved at an election to be held within the boundaries of the District, and

WHEREAS, there have been submitted to the Council proposed local goals and policies concerning the use of the Act,

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

SECTION 1. The above recitals are true and correct. The documents entitled "Policies And Procedures For The Formation, Annexation, And Administration Of Community Facilities Districts Created Pursuant To The Provisions Of The Mello-Roos Community Facilities Act of 1982" (hereinafter referred to as "Policies & Procedures", a copy of which is on file with the City Clerk), adopted by the City Council on September 3, 1996, and most recently amended by the Council on October 12, 1999, was adopted by the Council pursuant to Section 53312.7 of the Act, as the local goals and policies concerning the use of the Act by this Council. It is the intention of the Council that its Policies & Procedures be adhered to, to the greatest extent practicable with respect to both the formation and administration of the District, and that such administration be vested in the District Administrator as the governing board of a local agency within the meaning of Section 53317(g) and (h) of the Act, and in accordance with the provisions of the Policies & Procedures as they may be amended from time to time.

SECTION 2. A community facilities district is proposed to be established under the terms of the

Act. The name proposed for the community facilities district is "Community Facilities District No. 2002-1" and is referred to in this resolution as the District.

SECTION 3.

(1) The boundaries of the District are shown on a map entitled "Proposed Boundaries of CFD District No. 2002-1, City of Modesto, County of Stanislaus, State of California", a copy of which is attached hereto as Exhibit "B". Pursuant to Sections 3110 and 3111 of the California Streets and Highways Code, the City Clerk shall certify on the original and one copy of the map evidencing the date and adoption of this resolution, file the original in the City Clerk's office, and within fifteen (15) days after the adoption of this resolution and not later than fifteen (15) days prior to the date of the public hearing referred to in Section 7, file a copy of the map with the County Recorder of the County of Stanislaus.

(2) The Council finds that no land proposed to be included in the District is devoted primarily to agricultural, timber, or livestock uses and being used for the commercial production of agricultural, timber or livestock products.

SECTION 4.

(1) The Facilities and Services proposed to be financed by the District are more particularly set forth in Exhibit "C" attached hereto and incorporated by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The proposed Facilities and Services are governmental services which a local public agency is authorized by law to provide to the extent that they are in addition to those provided in the territory of the District, before the District was created.

SECTION 5. The Council determines that the public interest will not be served by allowing property owners to enter into a contract in accordance with subdivision (c) of Section 53329.5 of the Act.

SECTION 6.

(1) It is the intention of the Council that, except where funds are otherwise available to pay for the Facilities and Services, including the incidental expenses thereof, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all nonexempt real property in the District, will be levied annually within the boundaries of the District. The rate, method of apportionment, and manner of collection of such proposed special tax is set forth in Exhibit "A". Exhibit "A" provides sufficient detail to allow each landowner or resident within the District to estimate the maximum amount that such person will have to pay for the Facilities and Services. It is the intention of the Council that in the event all of the subject taxes are not approved by the qualified electors

of the District at an election to be held subsequent to the approval of a Resolution of Formation, that then, and in that sole event, the formation of the District approved therein shall be a nullity, and void from the date the Resolution of Formation is approved.

(2) As permitted by Section 53325.3 of the Act, the special tax as apportioned to each parcel pursuant to Exhibit "A" is based on the cost of making authorized Facilities and Services available to each parcel in the District and not on the ownership of real property.

SECTION 7. A public hearing on the establishment of the District and the proposed rate, method of apportionment, and manner of collection of the special tax shall be held at 5:15 p.m., or as soon thereafter as practicable, on Tuesday, February 26, 2002, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than thirty (30) or more than sixty (60) days following the adoption hereof.

SECTION 8. The District Administrator will be responsible for providing the proposed Facilities and Services to be financed by the District, if it is established. The District Administrator is directed to study the proposed District, and, at or before the time of the hearing on the Resolution of Formation of the District, cause to be prepared and filed with the Council a report containing:

(1) a brief description of the Facilities and Services by type which will, in the District Administrator's opinion, be required to adequately meet the needs of the District;

(2) an estimate of the cost of providing the Facilities and Services; and

(3) an estimate of the fair and reasonable cost of incidental expenses (as defined in Section 53317(e)) to be incurred in connection with providing the Facilities and Services, including said costs and advances or work-in-kind, including but not limited to planning and engineering, as provided in Section 53314.9, 53313.5(g) and 53318(d) of the Act.

The report shall be made a part of the record of the hearing to be held pursuant to Section 7 hereof.

SECTION 9. At the time and place set forth in this resolution for the public hearing, any interested persons, including taxpayers, property owners and registered voters residing within the boundaries of the proposed District, may appear and be heard, and the testimony of all interested persons for or against the establishment of the District, the extent of the District, the furnishing of the Facilities and Services, or the proposed rate, method of apportionment and manner of collection of the special tax will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 10. The City Clerk is directed to publish a notice (hereinafter the "Notice) of the hearing described in Section 7, in the form required by the Act, not later than seven (7) days prior thereto, in a newspaper of general circulation published in the area of the district, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code.

SECTION 11. The City Clerk may also send a copy of the Notice of the hearing not later than fifteen (15) days prior thereto, by first-class United Stated mail, postage prepaid, to each registered voter and to each landowner within the proposed District. The content of the mailed Notice shall be as nearly as practicable identical to the content of the published Notice.

SECTION 12.

(1) If fifty (50%) percent or more of the registered voters, or six (6) registered voters, whichever is more, residing within the territory proposed to be included in the District, or the owners of one-half (½) or more of the area of the land in the territory proposed to be included in the District and not exempt from the special tax, file written protests against the establishment of the District, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to create the District, or to levy the specified special tax, shall be taken for a period of one (1) year from the date of the decision of the Council.

(2) If the majority protests of the registered voters or the landowners are only against the furnishing of a specified type or types of the Facilities and Services within the District, or against levying a specified special tax, those types of Facilities and Services or the specified special tax shall be eliminated from the District proceedings.

At the conclusion of the hearing, if the Council determines to establish the District, it shall adopt a resolution of formation and then submit the levy of any special taxes to the qualified electors of the District in a special election.

SECTION 13.

(1) If, after the hearing described in Section 7, the Council adopts a resolution of formation establishing the District and submits the levy of the special tax to the qualified electors of the District in a special election, such election shall be held at least ninety (90) days, but not more than one hundred eighty (180) days following the adoption of the resolution of formation. The City Clerk shall, within three (3) business days after the adoption of the resolution of formation, provide a copy of the resolution of formation, a certified map of sufficient scale and clarity to show the boundaries of the District, and a sufficient description to allow the election official to determine the boundaries of the District, to the

official conducting the election. Assessor's parcel numbers for the land within the District shall be included if it is a landowner election or the District does not conform to an existing District's boundaries and if requested by the official conducting the election.

(2) If the election is to be held less than one hundred twenty-five (125) days after the adoption of the resolution of formation, the concurrence of the election official conducting the election shall be required.

(3) Such time limits, or requirements pertaining to the conduct of the election, may be waived with the unanimous consent of the qualified electors of the District and the concurrence of the election official conducting the election.

(4) If at least twelve (12) persons, who need not necessarily be the same twelve (12) persons, have been registered to vote within the territory of the proposed District for each of the ninety (90) days preceding the closing of the hearing, the vote shall be by the registered voters of the proposed District, with each voter having one (1) vote.

(5) Otherwise, the vote shall be by the landowners of the proposed District and each landowner who is the owner of record at the close of the hearing, or the authorized representative thereof, shall have one (1) vote for each acre or portion of an acre of land that such landowner owns within the proposed District. The number of votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

(6) Ballots for the special election authorized may be distributed to qualified electors by mail with return postage prepared or by personal service by the election official. The official conducting the election may certify the proper mailing of ballots by an affidavit, which shall constitute conclusive proof of mailing in the absence of fraud. The voted ballots shall be returned to the election officer conducting the election not later than the hour specified in the resolution calling the election. However, if all the qualified voters have voted, the election shall be closed.

(7) Except as otherwise provided in the Act, the provisions of law regulating elections of the City, insofar as they may be applicable, will govern the election. Except as provided in the next sentence, there shall be prepared and included in the ballot material provided to each voter an impartial analysis and arguments and rebuttals, if any, as provided in the California Elections Code. If the vote is to be by the landowners of the proposed District, analysis and arguments may be waived with the unanimous consent of all the landowners, and shall be so stated in the order for the election.

(8) If the election is to be conducted by mail ballot, the election official conducting the

election shall provide ballots and election materials, together with all supplies and instructions necessary for the use and return of the ballot. The identification envelope for return of mail ballots used in landowner elections shall contain the following: (i) the name of the landowner; (ii) the address of the landowner; (iii) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope; (iv) the printed name and signature of the voter; (v) the address of the voter; (vi) the date of the signing and the place of execution of the declaration described in (iii) above; and (vii) a notice that the envelope contains the official ballot and is to be opened only by the canvassing board.

(9) The procedures set forth in this Section 13 for conducting the consolidated special election may be modified as the Council may determine to be necessary or desirable by a resolution subsequently adopted by the Council.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

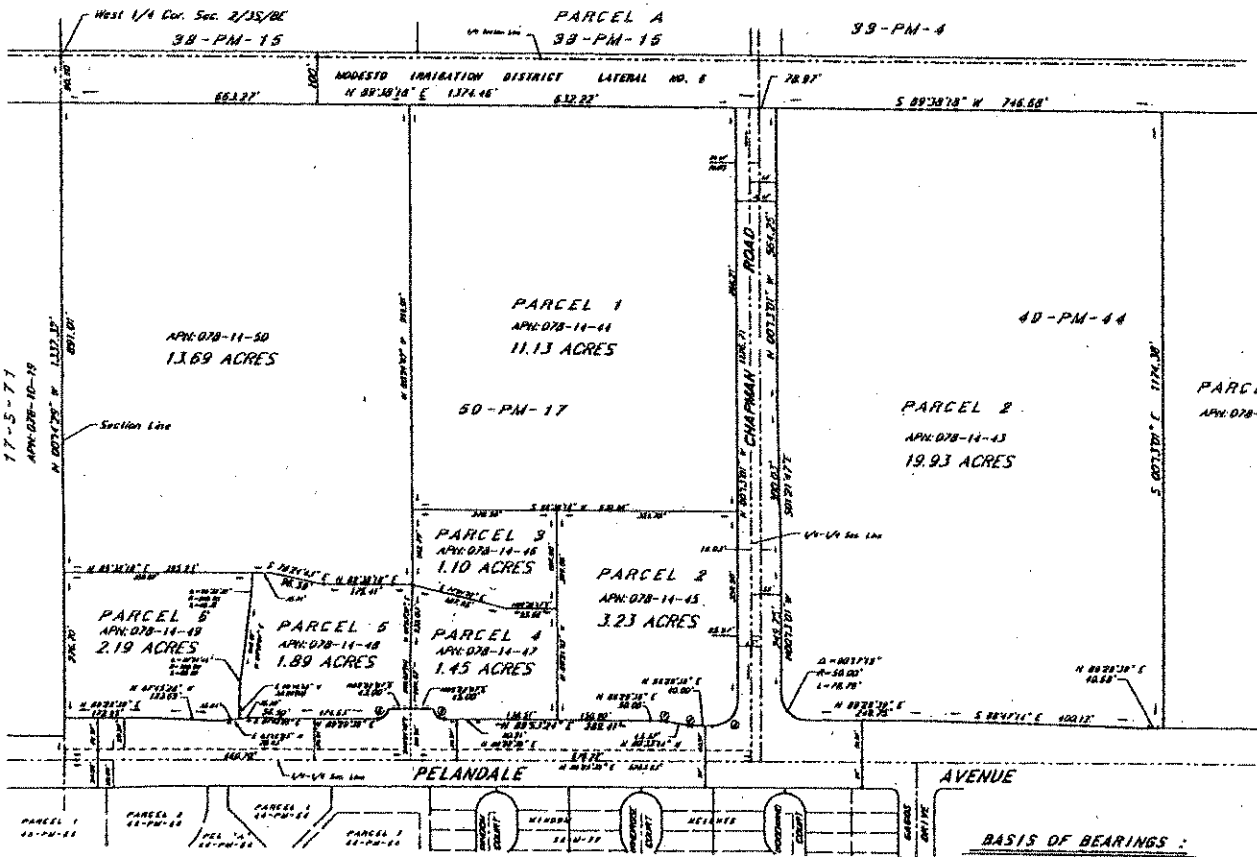
APPROVED AS TO FORM:

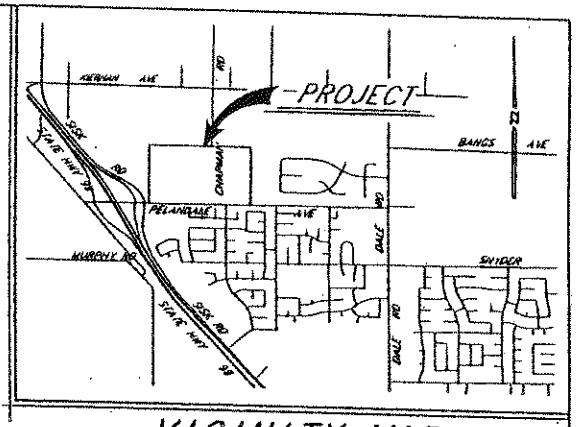
By:
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

NORTHPOINTE CFD NO. 2002-1

PROPOSED BOUNDARIES OF CFD DISTRICT NO. 2002-1
CITY OF MODESTO , COUNTY OF STANISLAUS
STATE OF CALIFORNIA





VICINITY MAP
NO SCALE

Filed this _____ day of _____, 2001, at the hour of _____ o'clock _____ m. in Volume _____ of Maps of Assessment and Community Facilities Districts at page(s) _____ in the Office of the County Recorder of the County of Stanislaus, State of California.

_____
KAREN MATHEWS, County Recorder of the County of Stanislaus, State of California

I hereby certify that this map was approved by the City Council of the City of Modesto at a regular meeting thereof, held on the _____ day of _____ 2001, by its Resolution No. _____.

_____
JEAN ZAHR, City Clerk

Filed in the Office of the City Clerk of the City of Modesto in recordable form this _____ day of _____, 2001.

_____
JEAN ZAHR, City Clerk

BASIS OF BEARINGS :

The bearing of North 78°59'47" West between GPS Monuments 2721 and 2720 as shown in Book 22 of Surveys at Page 51, Stanislaus County Records, was used as the basis for all bearings shown hereon.

CURVE TABLE

CURVE	DELTA	RADIUS	LONG CHORD	TANGENT	CHORD	BEARING
C1	28°52'07"	60.00	30.23	15.44	29.91	N82°21'48"W
C2	28°52'07"	40.00	20.15	10.29	19.94	S82°21'48"E
C3	89°42'40"	30.00	26.16	16.76	23.57	N44°38'23"E
C4	90°14'16"	30.00	31.61	20.10	28.45	S45°52'01"E
C5	89°43'24"	30.00	31.42	19.99	28.32	N44°37'43"E

Job No. 70-817(agrcfd-c)

EXHIBIT "B"

Proposed Boundaries for
Community Facilities District No. 2002-1
(NorthPointe)

CITY OF MODESTO
NORTHPOINTE
COMMUNITY FACILITIES DISTRICT NO. 2002-1

CFD REPORT

January 2, 2002

Prepared By:

Goodwin Consulting Group, Inc.
701 University Avenue, Suite 225
Sacramento, CA 95825
(916) 561-0890

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B. Boundaries of NorthPointe CFD 1
C. CFD Special Tax Structure 2

III. Description of Services and Expenses to be Funded by CFD No. 2002-1 ..... **2**

Appendices

Appendix A: CFD Boundary Map
Appendix B: Rate and Method of Apportionment of Special Tax
Appendix C: Services to be Funded by CFD No. 2002-1

I. *INTRODUCTION*

On April 1, 1997, the City Council of the City of Modesto approved the Kiernan Business Park Specific Plan which sets forth a plan of development for approximately 614 acres that were, at that time, located adjacent to the City's northern border, east of Highway 99 and south of Kiernan Avenue in a portion of unincorporated Stanislaus County. To date, approximately 250 acres within the Specific Plan area have been annexed into the City, of which almost 55 of these acres are included within the NorthPointe project.

The intent of the Kiernan Business Park Specific Plan is to provide for the development of new business park and industrial uses, which will assist in implementing the City's long-range objectives to enhance its local economy, generate jobs for residents, and create a better jobs/housing balance. The NorthPointe project has already furthered these objectives by securing Costco and Lowe's as tenants.

II. *STRUCTURE OF COMMUNITY FACILITIES DISTRICT NO. 2002-1*

A. Introduction

A Mello-Roos CFD may provide for the purchase, construction, expansion or rehabilitation of any real or tangible property, including public facilities and infrastructure improvements, with an estimated useful life of five (5) years or longer, which is necessary to meet increased demands placed upon local agencies as a result of development or rehabilitation occurring within the CFD. In addition, a CFD may pay for various public services and maintenance of public improvements, including parkways and open space.

A resolution was adopted by the Modesto City Council stating its intention to form CFD No. 2002-1. After a public hearing and a successful election by the landowners within the CFD, the CFD will be formed and the levy of a special tax will be authorized.

B. Boundaries of NorthPointe CFD

The boundaries of the CFD include the two assessor's parcels on which Costco and Lowe's are located, as well as six additional assessor's parcels which are anticipated for future commercial and industrial development. Assessor's parcel number 078-14-43 is included within the boundaries of CFD No. 2002-1 but will not be subject to the levy of special taxes until a building permit for new construction on the parcel has been issued by the City. This Parcel is identified as "Zone 2" for purposes of the special tax levy, as discussed further below. The other parcels within the CFD make up Zone 1 for purposes of the Rate and Method of Apportionment of Special Tax. A copy of the boundary map for CFD No. 2002-1 is included as Appendix A of this Report.

C. CFD Special Tax Structure

Each year a special tax will be levied and collected from parcels within the CFD to pay costs associated with the installation and maintenance of landscaping of a storm drain basin, maintenance of the basin and access road, and replacement of a storm drain pump station. The Rate and Method of Apportionment of Special Tax ("RMA"), which describes in detail how the tax will be allocated among properties in the CFD, is included as Appendix B of this report.

As explained in the RMA, two different special taxes will be levied within the CFD. First, a "One-Time Special Tax" will be levied to pay for the initial installation of landscaping around the storm drain basin, installation of water service and meter, CFD formation costs, and administration and contingency associated with these costs. The One-Time Special Tax will be levied on all property in the CFD except property within Zone 2, which is currently identified by Assessor's Parcel number 078-14-43. The maximum One-Time Special Tax that can be levied within Zone 1 of the CFD is $3,859 per acre. In addition, an "Annual Special Tax" will be levied on all property in the CFD, including property in Zone 2 once a building permit for new construction has been issued for property within Zone 2. Each Fiscal Year, the Annual Special Tax will be levied up to the amount needed to pay authorized expenses of the CFD; such amount will be identified in a budget set forth by the District Administrator. The maximum Annual Special Tax for fiscal year 2001-02 is $2,005 per acre prior to a building permit being issued within Zone 2 and $1,273 per acre after a permit is issued in Zone 2.

A portion of the Annual Special Tax is being collected to create a sinking fund for replacement of the storm drain pump station. The sinking fund portion of the Annual Special Tax will not escalate in future years; the remainder of the Annual Special Tax will increase each year beginning January 2002 by applying the greater of (i) the percentage increase, if any, in the Engineering News Record construction cost index for the San Francisco region for the prior twelve moth period, or (ii) four percent (4%).

III. DESCRIPTION OF SERVICES AND EXPENSES TO BE FUNDED BY CFD NO. 2002-1

The individual line-item service and improvement costs to be funded by CFD No. 2002-1 are identified in Appendix C of this report.

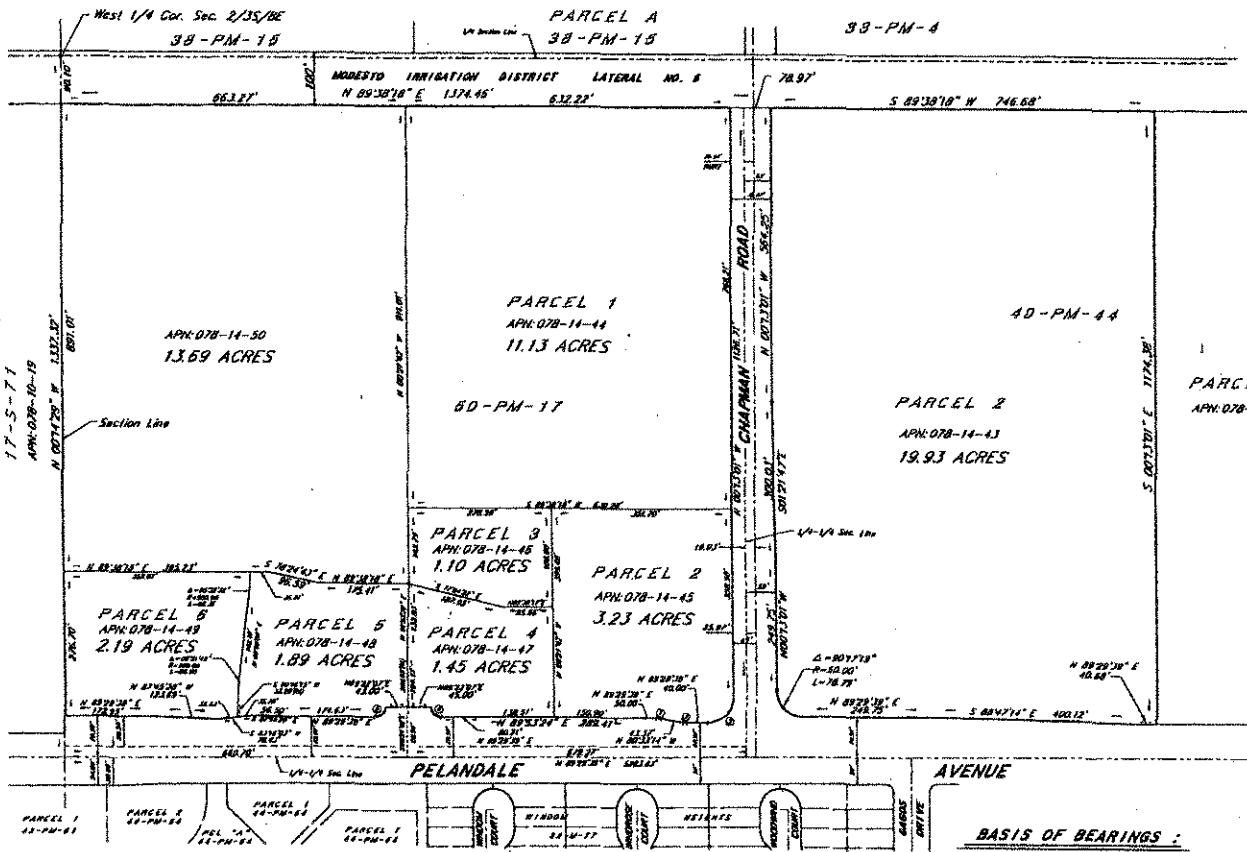
APPENDIX A

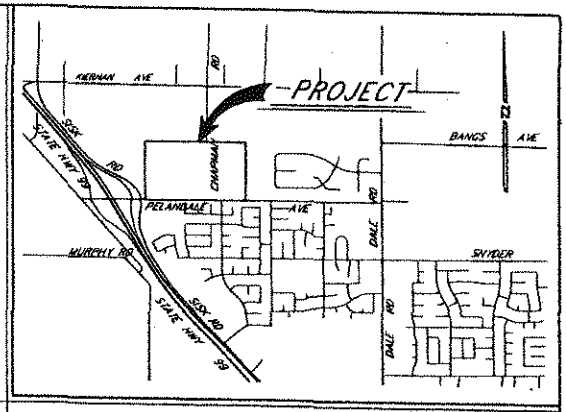
NORTHPOINTE COMMUNITY FACILITIES DISTRICT NO. 2002-1
OF THE CITY OF MODESTO

CFD BOUNDARY MAP

NORTHPOINTE CFD NO. 2002-1

PROPOSED BOUNDARIES OF CFD DISTRICT NO. 2002-1
CITY OF MODESTO, COUNTY OF STANISLAUS
STATE OF CALIFORNIA





VICINITY MAP

NO SCALE

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KAREN MATHEWS, County Recorder of the County of Stanislaus, State of California

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JEAN ZAHR, City Clerk

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BASIS OF BEARINGS :

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CURVE TABLE

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C3	88°42'40"	50.00	76.29	48.75	70.53	N44°38'58"E
C4	90°16'16"	70.00	31.51	20.10	28.35	S45°28'01"E
C5	89°47'24"	90.00	31.32	19.90	28.29	N44°42'57"E

Job No. 70-817(rqvcld-r)

APPENDIX B

NORTHPOINTE COMMUNITY FACILITIES DISTRICT NO. 2002-1 OF THE CITY OF MODESTO

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

APPENDIX B

CITY OF MODESTO
NORTHPOINTE COMMUNITY FACILITIES DISTRICT NO. 2002-1

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A special tax applicable to each Assessor's Parcel in NorthPointe Community Facilities District No. 2002-1 (herein "CFD No. 2002-1") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2002-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2002-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final subdivision map or other parcel map recorded at the Stanislaus County Recorder's Office.

"Annual Special Tax" means a special tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement.

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

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

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2002-1.

"Developed Property" means, in any Fiscal Year, that a building permit for new construction was issued on or prior to June 30 of the preceding Fiscal Year.

"District Administrator" means the individual(s) designated by the City Council to administer the CFD in accordance with the authority and powers granted by the City Council to said individual(s).

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

"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year to (i) pay authorized maintenance expenses, (ii) create a sinking fund for replacement of facilities, (iii) pay administrative expenses of CFD No. 2002-1, (iv) cure any delinquencies in the payment of Annual Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Annual Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected, and (v) maintain a reasonable reserve, as determined by the District Administrator, for unforeseen expenses, cost overruns, etc.

"Maximum Special Tax" means the maximum Annual Special Tax and the maximum One-Time Special Tax, determined in accordance with Section C below that can be levied on Taxable Property in any Fiscal Year.

"One-Time Special Tax" means the special tax set forth in Section C below that will be levied once on all Parcels in the CFD, with the exception of Parcels within Zone 2.

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

"Taxable Property" means all of the Assessor's Parcels within the boundaries of CFD No. 2002-1 which are not exempt from the One-Time Special Tax and Annual Special Tax pursuant to law or Section E below.

"Zone 1" means all Parcels within CFD No. 2002-1 that are not included within Zone 2, as defined below.

"Zone 2" means all property included within the geographic area identified by Assessor's Parcel number 078-14-43 in Fiscal Year 2001-02.

B. STATUS OF DEVELOPMENT IN ZONE 2

On or about July 1 of each Fiscal Year, the District Administrator shall determine whether any property within Zone 2 has become Developed Property. To the extent the original Assessor's Parcel included within Zone 2 has been subdivided, all of the subsequent Parcels shall be considered Developed Property if a building permit has been issued for any Parcel within Zone 2.

C. MAXIMUM SPECIAL TAX

1. One-Time Special Tax

The maximum One-Time Special Tax that can be levied on Parcels of Taxable Property within Zone 1 is $3,859 per Acre. After the One-Time Special Tax has been levied on and collected from all Parcels within Zone 1, no additional One-Time Special Tax shall be levied within the CFD unless a separate One-Time Special Tax is approved for property that subsequently annexes into the CFD. No One-Time Special Tax shall be levied on property within Zone 2.

2. Annual Special Tax

Ultimately, all Taxable Property within the CFD shall be subject to an Annual Special Tax that will be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. Until Zone 2 becomes Developed Property, no Annual Special Tax shall be levied on any property within Zone 2. Once Zone 2 becomes Developed Property, all Parcels of Taxable Property within Zone 2 shall be subject to the Annual Special Tax levy in the then current and all future Fiscal Years.

The following maximum rates apply to all Parcels of Taxable Property within CFD No. 2002-1 for each Fiscal Year in which the Annual Special Tax will be levied. The appropriate Maximum Special Tax will be applied depending on whether property within Zone 2 has become Developed Property:

TABLE 1
Maximum Annual Special Tax
Fiscal Year 2001-02

Status of Development in Zone 2	Maximum Maintenance Portion of Annual Special Tax (fy 2001-02)	Maximum Sinking Fund Portion of Annual Special Tax	Total Maximum Annual Special Tax (fy 2001-02)
Zone 2 is not Developed Property	$1,879 per Acre	$126 per Acre	$2,005 per Acre
Zone 2 is Developed Property	$1,193 per Acre	$80 per Acre	$1,273 per Acre

Beginning in January 2002, the maintenance portion of the maximum Annual Special Tax shall be adjusted annually by applying the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as

published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maintenance portion of the maximum Annual Special Tax shall become effective on the subsequent July 1. The sinking fund portion of the maximum Annual Special Tax shall not escalate.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. One-Time Special Tax

The One-Time Special Tax shall be levied by the District Administrator through a direct billing or on the County tax roll. If levied through a direct billing, the District Administrator shall identify a date by which the One-Time Special Tax is due, and the One-Time Special Tax shall be immediately delinquent if not paid by such date.

2. Annual Special Tax

Each Fiscal Year, the District Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Special Tax shall then be levied on all Parcels of Taxable Property as follows:

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

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

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

Step 4: Levy the Annual Special Tax against all Parcels of Taxable Property in equal percentages up to 100% of the maximum Annual Special Tax determined pursuant to Section C above.

The Annual Special Tax for CFD No. 2002-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes provided, however, that CFD No. 2002-1 may (under the authority of Government Code Section 53340) in any particular case bill the taxes directly to the property owner off the County tax roll, and the Annual Special Tax will be equally subject to foreclosure if delinquent.

E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no One-Time Special Tax or Annual Special Tax shall be levied on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982. In addition, no One-Time Special Tax shall be levied in any Fiscal Year on Parcels in Zone 2, and no Annual Special Tax shall be levied on Parcels in Zone 2 until at least one Parcel within Zone 2 becomes Developed Property.

F. ENFORCEMENT

All delinquent One-Time Special Taxes, or delinquent Annual Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1½% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent special taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

APPENDIX C

NORTHPOINTE COMMUNITY FACILITIES DISTRICT No. 2001-1
OF THE CITY OF MODESTO

DETAIL OF EXPENSES TO BE FUNDED BY CFD

NorthPointe CFD No. 2001-1

Overview - Storm Drain Basin Expenses

(Combination - Rebuild & Replace Pumps)

Description	One-Time Expense	Annual Expense
Weed Control & Litter Pick-Up (excludes repair for fence)		$2,000.00
Landscape Permieter - area between MID lateral and basin (7,380 sf x. $2.50)	$18,450.00	
Landscape Perimeter - Remainder of Basin Area (appx 10000 sf x $2.50)	$25,000.00	
Maintain Median (includes maint, replacement, repair) 11,000 sq ft x $.61		$6,710.00
Maintain Permieter - area between MID lateral and basin (7,380 sf x. $.61)		$4,501.80
Maintain Perimeter - Remainder of Basin Area (appx 10000 sf x $.61)		$6,100.00
Subtotal - Submitted by Recreation & Neighborhoods	$43,450.00	$19,311.80
Maintenance Mechanic		$3,867.18
Crew Leader		$328.36
Supervisor		$137.39
Electrician		$273.24
Equipment		
GRW Service Vehicle		$492.96
1/2 ton full size pick-up truck		$28.44
1/2 4x4 full size pick-up truck		$10.00
1 ton van w/ aerial lift		$44.37
Materials - turbine oil		$25.00
Erosion repair & silt excavation		$2,400.00
Fence Repair		$800.00
County Property Tax for 5.5 acres (Based on $315,000 paid for 2.5 acres)		$6,930.00
Annual lab tests		$1,747.00
MID Power Costs		$4,400.00
Removal of contaminated dirt		$1,140.00
Repair Berm/Irrigation Line		$1,500.00
Maintenance of Access Road		$1,200.00
Subtotal - Submitted by Operations & Maintenance	$0.00	$25,323.94
Replacement - Storm Drain Pump Station (20 year life span) *[includes pumps & controls]*		$4,125.00
Installation of water service and meter	$4,000.00	
Maintenance of water service and meter		$10.00
Annual cost for water		$1,000.00
Subtotal - Submitted by Engineering & Transportation	$4,000.00	$5,135.00
Administration (7% of total cost)	$3,321.50	$3,483.95
Contingency (25%)	$11,862.50	$12,442.68

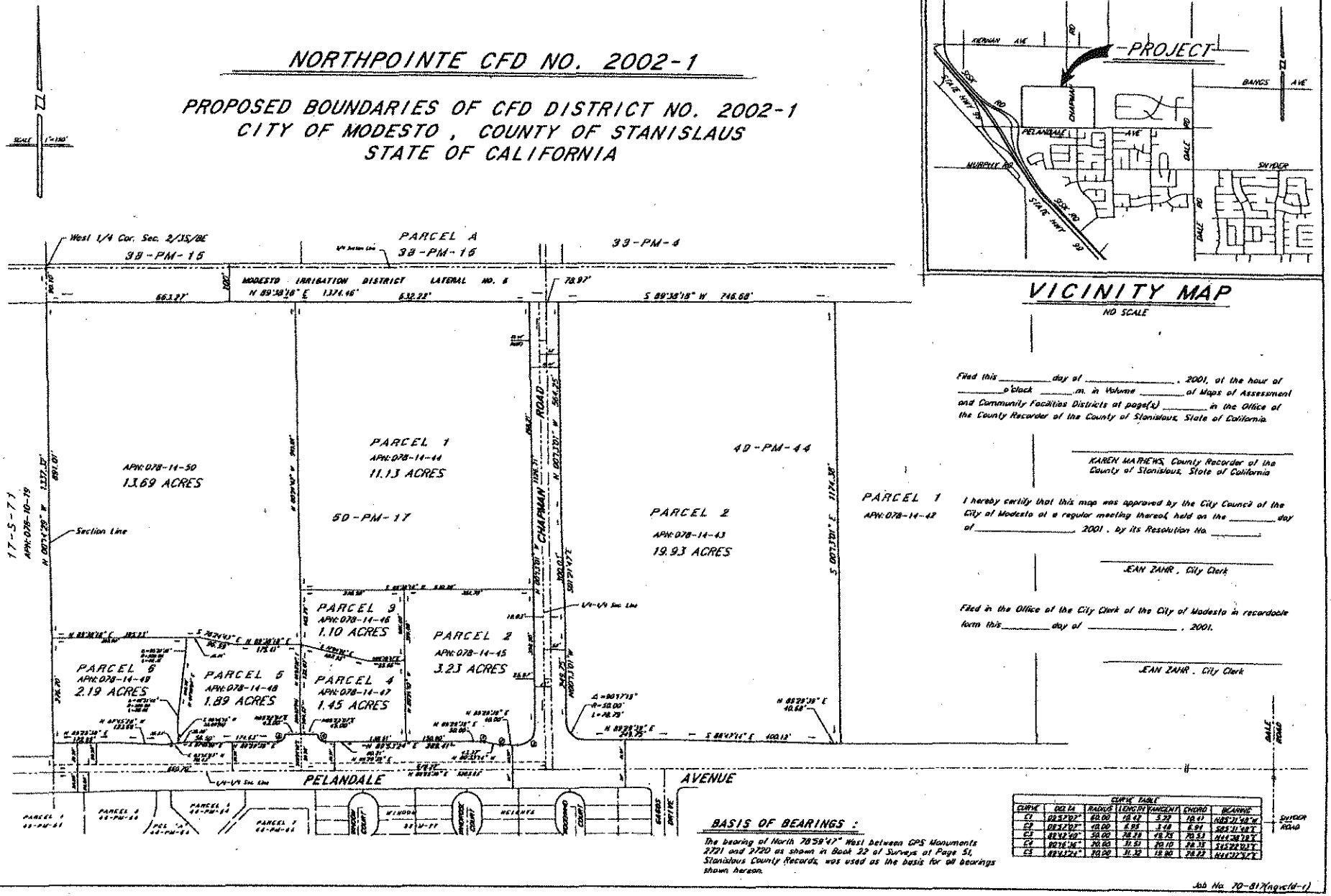
	One-Time Expense	Annual Expense
TOTAL	$62,634.00	$65,697.37

Prepared by TMR - August 21, 2001

Exhibit "B"

NORTHPOINTE CFD NO. 2002-1

PROPOSED BOUNDARIES OF CFD DISTRICT NO. 2002-1
CITY OF MODESTO , COUNTY OF STANISLAUS
STATE OF CALIFORNIA



VICINITY MAP

NO SCALE

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KAREN MATHEWS, County Recorder of the County of Stanislaus, State of California

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JEAN ZAHR, City Clerk

Filed in the Office of the City Clerk of the City of Modesto in recordable form this _____ day of _____, 2001.

JEAN ZAHR, City Clerk

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C3	89°43'49"	50.00	78.31	49.75	70.53	N44°38'29"E
C4	102°16'36"	30.00	51.61	35.10	44.99	S45°29'03"E
C5	89°43'24"	30.00	31.32	19.90	28.23	N44°27'57"E

Job No. 70-817(agvcld-1)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-31

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND VINTAGE LIMOUSINE AND ANSWERING SERVICE FOR AN OFFICE IN THE AIRPORT'S OLD ADMINISTRATION BUILDING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE.

WHEREAS, Vintage Limousine and Answering Service, a single ownership company, hereafter referred to as LESSEE, wishes to rent a vacant office in the airport's old administration building from which the company can conduct general office activities, and

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

WHEREAS, the rental rate for the leased property shall be the sum of TWO HUNDRED FOURTEEN DOLLARS ($214.00) per month plus TWENTY-FIVE DOLLARS ($25.00) per month per vehicle parking space, and

WHEREAS, LESSEE agrees to the terms of a lease agreement allowing the use of City of Modesto property on a month-to-month basis, and

WHEREAS, the policy under Modesto Municipal Code approved by the City Council is to enter into lease agreements at Modesto City-County Airport, and

WHEREAS, the Transportation Policy Committee considered the lease with the LESSEE at their meeting on December 20, 2001, and the committee is recommending the approval of the lease,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a lease with Vintage Limousine and Answering Service for an office for general office activities.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002 by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-32

A RESOLUTION SUPPORTING LIMITED ACCESS ON STATE ROUTE SR219 (KIERNAN AVENUE) FROM SR99 TO SR108

WHEREAS, the State of California, Department of Transportation (Cal Trans) is the lead agency assigned to complete the design and construction of widening SR219 from State Route 99 to State Route 108 (McHenry Avenue) to a 4-lane conventional highway, and

WHEREAS, the Department of Transportation has requested the City of Modesto to support limited access and turning movements on the future 4-lane conventional highway, and

WHEREAS, all signalized intersections will have full turning movements that include right and left turns, and

WHEREAS, the City of Modesto Urban Area General Plan designates SR219 as a Class B Expressway defined as a partial access-controlled roadway with signalized intersections at major streets and right-turn only access to collector streets, and

WHEREAS, all remaining intersections will have right-turn only accessibility, and

WHEREAS, all existing driveway access can remain, but as development occurs only one access will be allowed per original parcel, and

WHEREAS, the Transportation Policy Committee met on July 19, 2001, and approved limiting access on SR219,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports Cal Trans restrictions to limit left turn movement to designated signalized intersections, and limiting driveway access on SR219.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-33

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DAN THAYER FROM THE PLANNING COMMISSION EFFECTIVE JANUARY 22, 2002

WHEREAS, DAN THAYER was appointed a member of the Planning Commission on June 27, 1995; and

WHEREAS, DAN THAYER has tendered his resignation from the Planning Commission, effective January 22, 2002; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of DAN THAYER from the Planning Commission be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-34

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO ISSUE A PURCHASE ORDER TO ADT SECURITY SERVICES INC. OF MODESTO, CALIFORNIA FOR VIDEO SECURITY SYSTEM FOR THE OPERATIONS AND MAINTENANCE DEPARTMENT-PRIMARY AND SECONDARY WATER QUALITY CONTROL (WQC).

WHEREAS, the Operations and Maintenance Department-Primary and Secondary Water Quality Control staff has requested the purchase of video security system consisting of Pelco color cameras and enclosures, multiplexes and video recorders, and

WHEREAS, in 1995 the Plant Security Employee Involvement Team recommended improving security at the 7007 Jennings Road and 1221 Sutter Avenue plants, and

WHEREAS, the video security system is used to protect personnel and city property, and

WHEREAS, the video security system installed at 1221 Sutter Avenue during the Administration Control Building Expansion-Remodeling Project in 1992-93 is now obsolete, and most of the system components are inoperable, and

WHEREAS, the Secondary Plant is an easy target for vandalism due to the remoteness and size of the site, and

WHEREAS, the new video security system will provide a visual deterrent to trespassers, thus discouraging unauthorized entry to both the Primary and Secondary Water Quality Control Plants, and

WHEREAS, The Purchasing Division solicited formal bids on Request for Proposal 0001-26, and

WHEREAS, of two (2) vendors who responded out of the eight (8) solicited, only ADT Security Services, Inc., met the requirements stated in the RFP, and ADT was declared the most responsible bidder for the total cost of $51,937.41, and

WHEREAS, the funding for a new video security system is budgeted in the following accounts, 6210-480-5213-5900 Primary Plant non-CIP capital $28,438.47 and 6210-480-5214-5900 Secondary Plant non-CIP capital $23,498.94,

Now, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to issue a purchase order to ADT Security Services, Inc., of Modesto, California in the amount of $51,937.41

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-35

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT BIDS FOR A PHARMACY BENEFITS MANAGER PROGRAM FOR THE CITY OF MODESTO WORKERS' COMPENSATION PROGRAM

WHEREAS, the City of Modesto has deemed it necessary have a Pharmacy Benefits Manager Program for the City of Modesto, Workers' Compensation Program, and

WHEREAS, a Pharmacy Benefits Manager Program traditionally has afforded significant cost savings to the City on Workers' Compensation pharmacy claims, and

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

WHEREAS, increased vendor competition dictates that staff solicit bid proposals, and

WHEREAS, the Risk Management Division of the Personnel Department fully supports solicitation of bids, and

WHEREAS , the Risk Management Division of the Personnel Department has been closely working with the Purchasing Division of the Finance Department in the writing of the bid specifications, and

WHEREAS, the Purchasing Supervisor will formally solicit bids for the Pharmacy Benefits Manager Program upon Council approval,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the solicitation of bids for a Pharmacy Benefits Manager Program is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
Michael D. Milich, City Attorney

Amended for Clerical Error

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-36

Print

A RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION FOR GRANT FUNDS IN THE AMOUNT OF $400,000 FOR THE RIPARIAN AND RIVERINE HABITAT GRANT PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000 FOR THE DEVELOPMENT OF THE GATEWAY PARCEL OF THE TUOLUMNE RIVER REGIONAL PARK AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION.

WHEREAS, the people of the State of California have enacted the Riparian and Riverine Habitat Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, which provides funds to the State of California for grants to local agencies and federally recognized California Indian tribes to increase public recreational access, awareness, understanding, enjoyment, and protection of California's irreplaceable rivers and streams, and

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

WHEREAS, said procedures established by the California Department of Parks and Recreation require the Applicant's Governing Body to certify by resolution the approval of the Application before submission of said Application to the State, and

WHEREAS, the Applicant will enter into a Contract with the State of California for the Project,

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

1. Approves the filing of an application for local assistance funds from the Riparian and Riverine Habitat Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 in the amount of $400,000; and

2. Certifies that the City of Modesto has or will have sufficient funds to operate and maintain the Project; and

3. Certifies that the City of Modesto has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and

4. Appoints the City Manager as agent to conduct all negotiations, execute and submit all documents including, but not limited to, Applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Amended for Clerical Error

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-37

Print

A RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION FOR GRANT FUNDS IN THE AMOUNT OF $40,000 FOR THE RIPARIAN AND RIVERINE HABITAT GRANT PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000 FOR THE FURTHER DEVELOPMENT OF TRAILHEADS AND ACCESS POINTS TO THE PEGGY MENSINGER TRAIL IN DRY CREEK PARK AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION.

WHEREAS, the people of the State of California have enacted the Riparian and Riverine Habitat Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, which provides funds to the State of California for grants to local agencies and federally recognized California Indian tribes to increase public recreational access, awareness, understanding, enjoyment, and protection of California's irreplaceable rivers and streams, and

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

WHEREAS, said procedures established by the California Department of Parks and Recreation require the Applicant's Governing Body to certify by resolution the approval of the Application before submission of said Application to the State, and

WHEREAS, the Applicant will enter into a Contract with the State of California for the Project,

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

1. Approves the filing of an application for local assistance funds from the Riparian and Riverine Habitat Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 in the amount of $40,000; and

2. Certifies that the City of Modesto has or will have sufficient funds to operate and maintain the Project; and

3. Certifies that the City of Modesto has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and

4. Appoints the City Manager as agent to conduct all negotiations, execute and submit all documents including, but not limited to, Applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

Modesto City Council
Resolution No. 2002-38

WAS NOT USED

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-39

A RESOLUTION AMENDING POLICIES AND PROCEDURES FOR THE USE OF MELLO-ROOS COMMUNITY FACILITIES DISTRICTS

WHEREAS, on September 3, 1996, by Resolution No. 96-501, the City Council adopted "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 96-545, adopted on October 8, 1996, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-164, adopted on March 24, 1998, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-186, adopted on April 7, 1998, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-483, adopted on September 8, 1998, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 99-405, adopted August 10, 1999, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution NO. 99-500, adopted October 5, 1999, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, the City Council has determined that it is advisable to shift the CFD administration function from the City Clerk and the City Attorney to the City Manager,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that its "Policies and Procedures" relating to the application for, creation of and administration of Mello-Roos Community Facilities Districts, formerly adopted and amended by this Council, be further amended as set forth below:

1. That Section 2.o. of the Policies and Procedures read as follows:

2. Definitions.

o. CFD Team. An interdepartmental City working group consisting of a representative of the City Attorney's Office, the District Administrator and such other staff as the District Administrator may designate. Its function shall be to process CFD applications and the formation of CFDs, including elections as appropriate.

2. That Section 2.p. of the Policies and Procedures read as follows:

2. Definitions.

p. District Administrator. A subgroup of the CFD Formation Group composed of a Deputy City Manager, selected by the City Manager. The District Administrator shall have the power to retain and consult with an outside consultant experienced in administering established CFDs in order to assure such administration is in accordance with City ordinances, resolutions, these Policies and Procedures as amended, and applicable law. The District Administrator shall also have the power to appoint an Acting District Administrator to serve in his or her absence.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)
APPROVED AS TO FORM:

By:
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-40

A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF MODESTO 2001-2002 ANNUAL ACTION PLAN.

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

WHEREAS, the City Council, at its June 12, 2001, meeting approved the adoption of the 2001-2002 Annual Action Plan, and

WHEREAS, City staff has proposed amendments to the Annual Action Plan, and said proposed amendments are as set forth in Exhibit "A" attached hereto and incorporated herein by reference, and

WHEREAS, notice has been duly given to notify the community of proposed amendments to the Annual Action Plan, and to provide a 30-day comment period, which began December 3, 2001, and ended on January 8, 2002, and

WHEREAS, the Citizens Housing and Community Development Committee considered the proposed changes to the Annual Action Plan at its November 30, 2001, meeting, and the Committee recommended that the City Council approve amendments to the Annual Action Plan as proposed by staff as well as budgetary adjustments as recommended by staff, and

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of January 8, 2002, to consider the proposed amendments to the 2001-2002 Annual Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Amendment to the 2001-2002 Annual Action Plan as presented to the Council is hereby approved, and a copy of said Amendment to the 2001-2002 Annual Action Plan is attached hereto as Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to execute any documents with respect to the Amendment to be submitted to the Regional HUD office. Any and all documents necessary to implement the Action Plan shall require further Council approval.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Exhibit "A"

Proposed Amendment to the
City of Modesto 2001-2002
Annual Action Plan

I. Reallocation of CDBG Funding Within Projects/Programs

A. Capital Improvement Projects
Reallocate within Account 2300-310-N444-6040

From: Street Paving in Low Income Neighborhoods	-$70,000	
To: ADA Curb Ramps		+$70,000

B. Property Acquisition
Reallocate within Account 1130-320-3254-5900

From: Non Profit Housing Acquisition		-$20,000
To: Property Acquisition (Fairway Neighborhood Park)		+$20,000

II. Reallocation of CDBG Funding Between Projects/Programs

A. Workforce Development Program

Estimate Revenue to: Start Up Business Loan Program		
Account 1160-320-3267-3513R		+$33,834
Allocate to: Workforce Development Program		
Account 1160-320-3267-0496		+$33,834

B. Property Acquisition

Deallocate from: Public Services (Unexpended)		
Account 1130-320-3254-0496	-$40,000	
Deallocate from: Neighborhood CIP (Unexpended)		
Account 1130-310-3262-5900	-$47,145	
Allocate to: Property Acquisition (Fairway Neighborhood Park)		
1130-320-3254-5900		+$87,145

III. Carryover of CDBG funding from Previous Year for Same Project

A. Contractor Support Center

Estimate Revenue from: Contractor Support Center		
Account 1160-320-3267-3513R		+$50,000
Allocate to: Customer Support Center		
Account 1160-320-3267-0496		+$50,000

B. Community Based Development Organization

Estimate Revenue from: Community Based Development Organization		
Account 1130-320-3254-3513R		+$100,000
Allocate to: Community Based Development Organization		
Account 1130-320-3254-0496		+$100,000

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-41

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PLAN BUDGETS TO REALLOCATE $360,979 IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

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

WHEREAS, the City Council, at its June 12, 2001, meeting approved the adoption of the 2001-2002 Annual Action Plan, and

WHEREAS, since adoption of the Annual Action Plan, staff has determined that $70,000 in funding in Capital Improvement Project 2300-310-N444-6040 should be re-allocated from Street Paving in Low Income Neighborhoods to ADA Curb Cuts, and

WHEREAS, staff has determined that $20,000 in 1130-320-3254-5900 should be re-allocated from Non Profit Housing Acquisition to Property Acquisition to provide a portion of the required matching funds for a grant submitted under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, Roberti-Z'berg Program for acquisition of Fairway Neighborhood Park, and

WHEREAS, staff has determined that $33,834 in unallocated program revenue should be recognized in the Start Up Business Loan Program, account 1160-320-3267-3513 and allocated to the Workforce Development Program, account 1160-320-3267-01496, and

WHEREAS, staff has determined that $40,000 should be de-allocated from unexpended Public Services, account 1130-320-3254-0496, and $47,145 should be de-allocated from unexpended Neighborhood CIP, and $87,145 should be re-allocated to Property Acquisition, account 1130-320-3254-5900 to provide a portion of the required matching funds for a grant submitted under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, Roberti-Z'berg Program for acquisition of Fairway Neighborhood Park, and

WHEREAS, staff has determined that $50,000 in carryover from FY 00-01 should be recognized as revenue in account 1160-320-3267-3513 and allocated to account 1160-320-3267-0496, for the Contractor Support Center, and

WHEREAS, staff has determined that $100,000 in carryover from FY 00-01 should be recognized as revenue in account 1130-320-3254-3213R and allocated to account 1130-320-3254-0496, Community Based Development Organization, and

WHEREAS, the Citizens Housing and Community Development Committee considered the proposed changes to the Annual Action Plan at its November 30, 2001, meeting, and the

Committee recommended that the City Council approve amendments to the Annual Action Plan as proposed by staff as well as budgetary adjustments as recommended by staff, and

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of January 8, 2002, to consider the proposed amendments to the 2001-2002 Annual Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2001-02 Annual Operating and Capital Improvement Plan Budgets are hereby amended to reallocate Community Development Block Grant Funds as indicated on Exhibit "A" attached hereto and incorporated herein by reference.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Exhibit "A"

Proposed Amendment to the
City of Modesto 2001-2002
Annual Action Plan

I. Reallocation of CDBG Funding Within Projects/Programs

A. Capital Improvement Projects
Reallocate within Account 2300-310-N444-6040

From: Street Paving in Low Income Neighborhoods	-$70,000	
To: ADA Curb Ramps		+$70,000

B. Property Acquisition
Reallocate within Account 1130-320-3254-5900

From: Non Profit Housing Acquisition		-$20,000
To: Property Acquisition (Fairway Neighborhood Park)		+$20,000

II. Reallocation of CDBG Funding Between Projects/Programs

A. Workforce Development Program

Estimate Revenue to: Start Up Business Loan Program		
Account 1160-320-3267-3513R		+$33,834
Allocate to: Workforce Development Program		
Account 1160-320-3267-0496		+$33,834

B. Property Acquisition

Deallocate from: Public Services (Unexpended)		
Account 1130-320-3254-0496		-$40,000
Deallocate from: Neighborhood CIP (Unexpended)		
Account 1130-310-3262-5900		-$47,145
Allocate to: Property Acquisition (Fairway Neighborhood Park)		
1130-320-3254-5900		+$87,145

III. Carryover of CDBG funding from Previous Year for Same Project

A. Contractor Support Center

Estimate Revenue from: Contractor Support Center		
Account 1160-320-3267-3513R		+$50,000
Allocate to: Customer Support Center		
Account 1160-320-3267-0496		+$50,000

B. Community Based Development Organization

Estimate Revenue from: Community Based Development Organization		
Account 1130-320-3254-3513R		+$100,000
Allocate to: Community Based Development Organization		
Account 1130-320-3254-0496		+$100,000

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-42

A RESOLUTION APPROVING AN AMENDMENT TO THE GRADE SEPARATION AGREEMENT EXTENDING THE COMPLETION DATE OF THE PROJECT TO DECEMBER 31, 2002, CHANGING THE PROJECT ALIGNMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO THE AGREEMENT

WHEREAS, on October 14, 1997, the City Council approved an Agreement between the City of Modesto and the State of California Department of Transportation to accept $10 million in funding for the Kansas-Needham Overhead Crossing Project, and

WHEREAS, on August 25, 1998, the City Council approved a realignment of the project to align with the future Highway 132 project, and

WHEREAS, a time extension is now needed to complete this project, and

WHEREAS, the amended agreement stipulates the City will have until December 31, 2004, to complete the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an amendment to the agreement between the City of Modesto and the State of California Department of Transportation to extend the project completion until December 31, 2004, and to change the alignment for the Kansas-Needham Overhead Crossing Project is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

02/05/02/E&T/K Becker

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-43

A RESOLUTION TO IMPLEMENT LOCAL GOVERNMENT TRANSPORTATION CONTROL MEASURES IN THE SEVERE AREA OZONE PLAN FOR THE SAN JOAQUIN VALLEY

WHEREAS, the San Joaquin Valley Air Pollution Control District (SJVAPCD) has been designated by the Governor of California as the regional air quality planning agency in San Joaquin Valley, and

WHEREAS, the San Joaquin Valley nonattainment area has been reclassified as a Severe Area for ozone according to the Clean Air Act, and

WHEREAS, the Severe Area Ozone Plan is required to include Reasonably Available Control Measures, and

WHEREAS, the City of Modesto is required to make a commitment to implement Reasonably Available Control Measures, and

WHEREAS, the Transportation Policy Committee has approved the proposed Transportation Control Measures,

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines, and orders as follows:

1. That the Council of the City of Modesto agrees to proceed with a good faith effort to implement the Transportation Control Measures (TCMs) identified in Exhibit A which is part of this resolution;

2. That the Council of the City of Modesto commits to implement the TCMs as scheduled and with the funding sources identified. Recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state and federal agencies, the City of Modesto agrees to consider modifications of the funding or schedules for implementation actions, if necessary.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-44

A RESOLUTION DECLARING AMERICAN AVK LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR VALVE GATES AND HYDRANT CAPS, AND DECLARING FERGUSON ENTERPRISES THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR HYDRANTS AND VALVES FOR THE REMAINDER OF FISCAL YEAR 2002, AUTHORIZING THE AWARD OF BIDS AND AUTHORIZING THE OPTIONS FOR TWO ONE-YEAR EXTENSIONS WITH SAID VENDORS.

WHEREAS, on September 11, 2001, the City Council authorized solicitation of bids for fire hydrants, hydrant caps, valve gates and valves, and

WHEREAS, bids were solicited from twenty-nine (29) vendors for said equipment, with five (5) vendors responding, and

WHEREAS, the five (5) bids were opened at 11:00 am on October 23, 2001, and later evaluated by the Finance Director for the consideration of the Council, and

WHEREAS, American AVK was declared lowest responsive and responsible bidder for valve gates and hydrant caps with a bid amount of $46,176.00 for the remainder of Fiscal Year 2002, and

WHEREAS, Ferguson Enterprises was declared the lowest responsive and responsible bidder for hydrants and valves with a bid amount of $76,395.00 for the remainder of Fiscal Year 2002, and

WHEREAS, the Finance Director has recommended that the bids of American AVK for valves gates and hydrant caps in the amount of $46,176.00 and Ferguson Enterprises for hydrant and valves in the amount of $76,395.00 for the remainder of Fiscal Year 2002, be accepted,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bid of American AVK for gate valves and hydrant caps in the amount of $46,176.00, and the bid of Ferguson Enterprises for hydrants and valves in the amount of $76,395.00 for the remainder of Fiscal Year 2002 be accepted, and the preparation of a formal price agreement by the City's designated officials with each of the aforesaid vendors, including the option for two one-year extensions, is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-45

A RESOLUTION APPROVING THE TIMELINE FOR PUBLIC SERVICE GRANTS AND THE ANNUAL ACTION PLAN FOR 2002-2003 AND CITIZEN PARTICIPATION CALENDAR OF EVENTS

WHEREAS, Federal Housing and Urban Development regulations require the City of Modesto to have a Citizens' Participation Plan which contains the City's procedures for community participation in the development of the Annual Action Plan and the use of Community Development Block Grant (CDBG), HOME and Emergency Shelter Grant (ESG) funds, and

WHEREAS, the City adopted and last amended its Citizen Participation Plan in October 1998, a copy of which is available for review at the Recreation and Neighborhood Services Division office at Tenth Street Place, and

WHEREAS, the proposed calendar for citizen participation includes public service grant applications, as well as Emergency Shelter Grant proposals, and

WHEREAS, at its January 18, 2002, meeting, the Citizens Housing and Community Development Committee considered and supported staff recommendations for the timeline for Public Service grants and the Annual Action Plan for 2002-2003 and the Citizen Participation Calendar of Events,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the timeline for Public Service grants and the Annual Action Plan for 2002-2003 and the Citizen Participation Calendar of Events.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-46

A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE) AND AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #8)

WHEREAS, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), proceedings for annexation of additional territory to an existing community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 96-544, adopted on October 8, 1996, (the "Resolution of Formation") establish Community Facilities District No. 1996-1 ("the District"), and

WHEREAS, by its Resolution No. 97-520 adopted on September 9, 1997, this Council resolved to complete annexation #1 to the District, and

WHEREAS, by its Resolution No. 99-13 adopted on January 5, 1999, this Council resolved to complete annexation #2 to the District, and

WHEREAS, by its Resolution No. 99-615 adopted on December 14, 1999, this Council resolved to complete annexation #3 to the District, and

WHEREAS, by its Resolution No. 2000-413 adopted on August 1, 2000, this Council resolved to complete Annexation #4 to the District, and

WHEREAS, by its Resolution No. 2001-297 adopted on June 19, 2001, this Council resolved to complete Annexation #5 to the District, and

WHEREAS, by its Resolution No. 2001-352 adopted on July 10, 2001, this Council resolved to complete Annexation #6 to the District, and

WHEREAS, by its Resolution No. 2001-486 adopted on September 25, 2001, this Council resolved to complete Annexation #7 to the District, and

WHEREAS, this Council hereby determines that the pubic convenience and necessity require the annexation, pursuant to Section 53339 of the Act, of certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits,

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

SECTION 1. The above recitals are true and correct.

SECTION 2 Certain territory is proposed to be annexed to the District (the "Annexed Territory") under the terms of the Act.

SECTION 3 The original boundaries of the District are shown on a map entitled "Proposed Boundaries of Community Facilities District No. 1996-1 of the City of Modesto, County of Stanislaus, State of California" on file with the County Recorder of the County of Stanislaus, at Book 2 of Maps of Assessment and Community Facilities Districts, at Page 70.

SECTION 4 District boundaries after the most recent annexation (Annexation #7) are shown on a map entitled "Annexation No. 7 to Community Facilities District No. 1996-1 (Village One)" on file with the County Recorder of the County of Stanislaus at Volume 3 A.M. of Maps of Assessment and Community Facilities Districts, at Page 52.

SECTION 5 The Annexed Territory is described in Exhibit "A" to this Resolution. The boundaries of the Annexed Territory are also shown on the maps thereof, entitled "Annexation No. 8 to Community Facilities District No. 1996-1 (Village One)", on file in the office of the City Clerk, and hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than 10 days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District.

SECTION 6 The types of public facilities and services authorized to be provided to the District are set forth in the Resolution of Formation. These same types of facilities and services plus a comprehensive signage program as described in Resolution No. 97-174, adopted by the City Council on April 1, 1997, will be provided to the Annexed Territory.

SECTION 7 The Maintenance Special Tax to be levied in the Annexed Territory shall be the same as the Maintenance Special Tax currently levied in the original District, as set forth in the Resolution of Formation. The Facilities Special Tax to be levied in the Annexed Territory shall be slightly higher than that levied in the original District, to account for the additional cost of the community signage program, as referenced in Section 6 hereof. The Facilities Special Tax for the Annexed Territory is described in the City's Public Report, on file with the City Clerk, amended April, 1997. It is the intention of the City Council that in the event all of the subject taxes are not approved by the qualified electors of the Annexed Territory at an election to be held subsequent to the approval of this Resolution of Intention, that then, and in that sole event, the annexation of the Annexed Territory shall be a nullity, and void from the date of the public hearing on this resolution where it is approved.

Pursuant to the Public Report, the maximum Maintenance Special Tax and the maximum Facilities Special Tax shall be adjusted annually. The tax rates in effect as of July 1, 2001, are as follows:

Facilities Special Tax

Land Use	**Facilities Special Tax (per Gross Acre) Effective July 1, 2001**
Village Low-Density Residential	$24,239.12
Village Residential	$36,243.74
Multi-Family Residential	$93,924.62
Commercial	$106,492.33
Industrial	$49,872.48

Maintenance Special Tax

Land Use	Maintenance Special Tax Effective July 1, 2001
Developed	
Very Low Density Residential *Village Residential*	$143.76 (per lot)
Multi-Family Residential	$93.33 (per unit)
Commercial/Industrial	$504.17 (per acre)
Undeveloped	
Very Low Density Residential *Village Residential*	$71.88 (per lot)
Multi-Family Residential	$46.66 (per unit)
Commercial/Industrial	$504.17 (per acre)

SECTION 8 A public hearing upon this Resolution shall be held at 5:15 p.m., or as soon thereafter as practicable, on Tuesday, March 12, 2002, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than 30 or more than 60 days following the adoption thereof.

SECTION 9 At the hearing, any interested persons for or against the annexation of the Annexed Territory to the District, and the levy of the special tax therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 10 The City Clerk is directed to publish, not later than seven (7) days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard.

SECTION 11 If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Annexed Territory, or the owners of one-half or more of the area of land in the District and not exempt from the special tax, or the owners of one-half or more of the Annexed Territory, file written protests against the proposed annexation of the Annexed Territory to the District, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Annexed Territory, or to levy the District special tax therein, shall be taken for a period of one year from the date of the election of the Council on the issues discussed at the hearing.

At the conclusion of the hearing, if the Council determines to annex the Annexed Territory, it shall then submit the levy of the District special tax to the qualified electors of the Annexed Territory in a special election.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

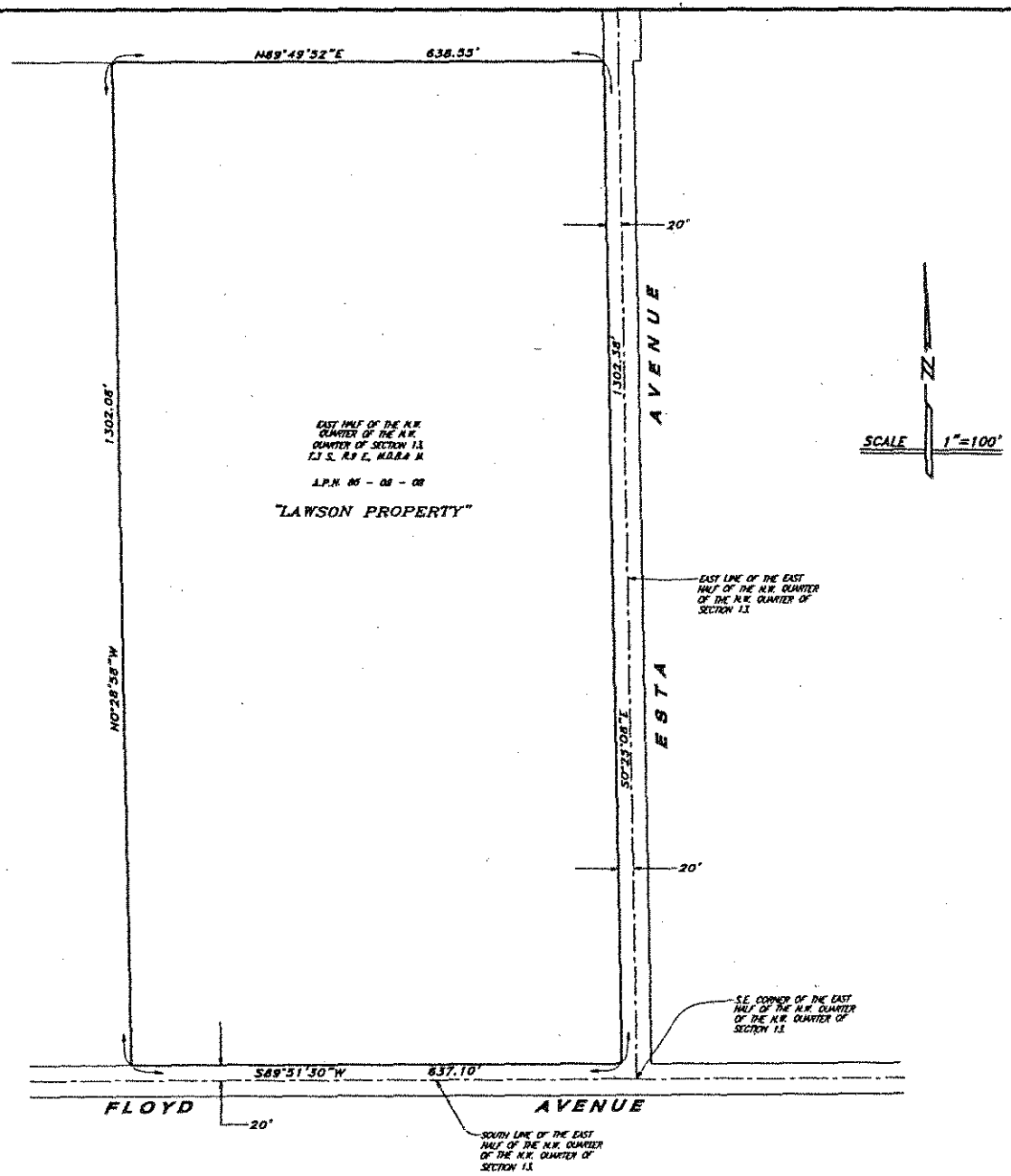
APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Exhibit "A"

ANNEXATION NO. 8 TO COMMUNITY FACILITIES DISTRICT NO. 1996 - 1 (VILLAGE ONE)

BOUNDARIES OF PROPERTY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA



PREPARED BY:
DELAMARE-FULTZ
ENGINEERING AND SURVEYING

FILED IN THE OFFICE OF THE CLERK OF THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, THIS _____ DAY OF _____, 2001.

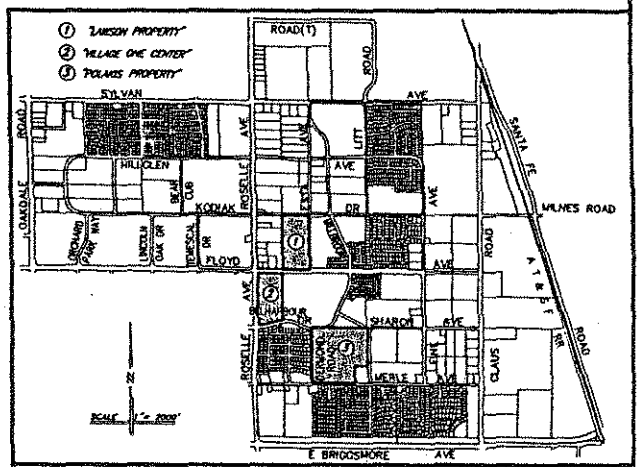
_____
CLERK, CITY OF MODESTO
STATE OF CALIFORNIA

I HEREBY CERTIFY THAT THIS MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 8 TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE) COUNTY OF STANISLAUS, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO, CALIFORNIA AT A REGULAR MEETING OF THE CITY COUNCIL THEREOF HELD ON THE _____ DAY OF _____, 2001, BY ITS RESOLUTION No. _____.

_____
CLERK, CITY OF MODESTO
STATE OF CALIFORNIA

FILED THIS _____ DAY OF _____, 2001, AT THE HOUR OF _____ O'CLOCK ___.M. IN BOOK ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS.

_____
JOYCE GOUDIE, ASSISTANT REGISTRAR/CLERK RECORDER
COUNTY OF STANISLAUS, STATE OF CALIFORNIA.



VICINITY MAP
(NO SCALE)

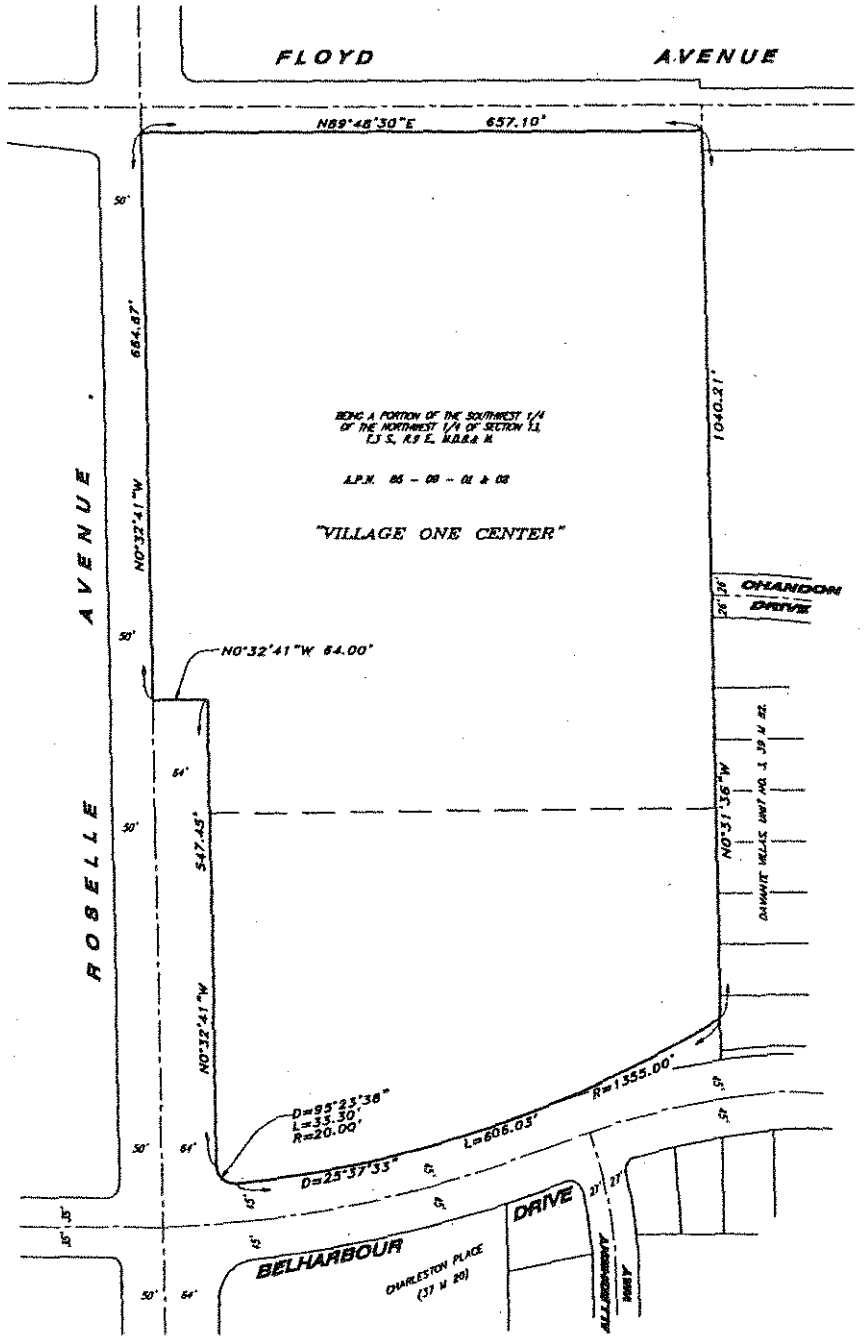
/0145/CFD/CITYCFD.DWG

SHEET 1 OF 3 SHEETS

ANNEXATION NO. 8 TO COMMUNITY FACILITIES DISTRICT NO. 1996 - 1 (VILLAGE ONE)

BOUNDARIES OF PROPERTY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA

PREPARED BY:
DELAMARE-FULTZ
ENGINEERING AND SURVEYING

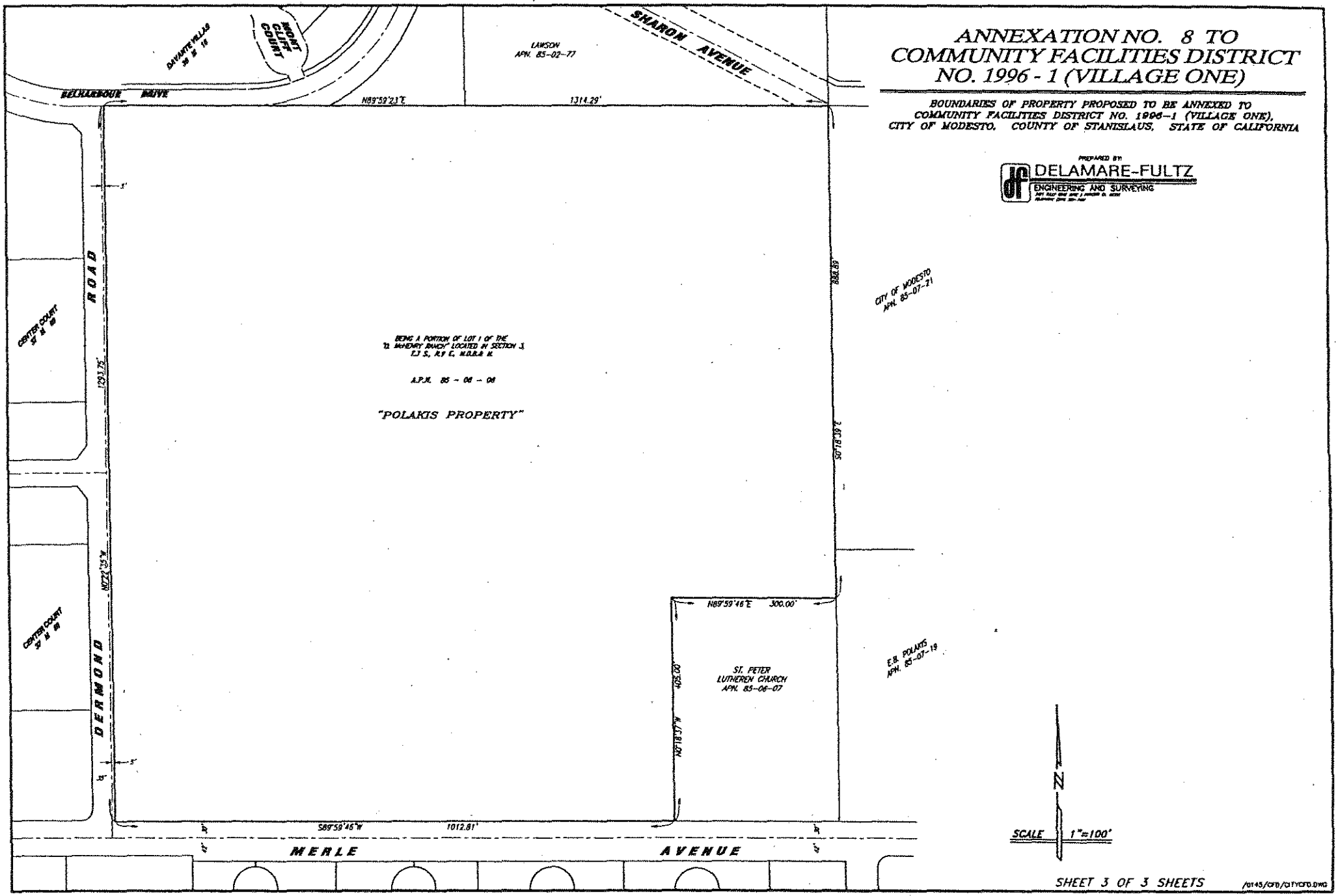


/0145/CFD/CITYCFD.DWG

ANNEXATION NO. 8 TO COMMUNITY FACILITIES DISTRICT NO. 1996 - 1 (VILLAGE ONE)

BOUNDARIES OF PROPERTY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA

PREPARED BY:
DELAMARE-FULTZ
ENGINEERING AND SURVEYING



SHEET 3 OF 3 SHEETS

/0145/CFD/CITYCFD.DWG

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002- 47

A RESOLUTION APPROVING AN AGREEMENT WITH THE HOUSING AUTHORITY OF STANISLAUS COUNTY FOR PROVISION OF A COMMUNITY POLICE FOR THE WESTVIEW GARDENS HOUSING COMPLEX AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the Housing Authority of Stanislaus County operates the Westview Gardens federal housing complex in Modesto, California, and

WHEREAS, by agreement, the Modesto Police Department has assigned a Police Officer to the complex for ten years, and

WHEREAS, the Housing Authority is desirous to continue this special police service, and

WHEREAS, the Police Officer will work a minimum of 33 hours per week for patrol, investigation and response to calls for service, present community crime resistence education, drug traffic suppression and drug education, graffiti abatement education and coordinate the exchange of information between residents with other non-enforcement services of the City, and

WHEREAS, this police service is fully reimbursed by the Housing Authority and the service benefits the City of Modesto in reducing calls for police service to the housing project, and

WHEREAS, the Modesto City Council Public Safety Committee unanimously endorsed the execution of this agreement to provide a Modesto Police Officer at Westview Gardens Housing project at its meeting of September 6, 2001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement with the Housing Authority of Stanislaus County for special police services to the Westview Gardens housing project for a twelve-month period is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-48

A RESOLUTION APPROVING A CONSULTANT AGREEMENT WITH MODESTO CITY SCHOOLS FOR PROVISION OF A COMMUNITY POLICE OFFICER FOR BRET HARTE AND SHACKELFORD ELEMENTARY SCHOOLS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the Stanislaus County Children and Families Commission has granted a 12-month project to Modesto City Schools for a Community Police Officer for Bret Harte and Shackelford Elementary Schools, and

WHEREAS, the program will provide the opportunity for the Modesto Police Department to expand its role in addressing the effects of violence on children and families in our community, provide drug and gang awareness education and intervention to both the children and their families, and

WHEREAS, the program has a potential of reaching in excess of 5,000 Modesto residents, and

WHEREAS, the program will reduce potential crime conditions by early detection, and

WHEREAS, the expected results of this program are less graffiti in the neighborhoods, less truancy in the schools, fewer re-offending probationers, less drug and gang activity and less exposure of the children to violence, and

WHEREAS, the cost of the one Modesto Police Officer, and all his or her office equipment, overtime and personal equipment expenses are covered by the grant project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the consultant contract with Modesto City Schools to provide one Community Police Officer for 0.5 FTE at Bret Harte Elementary and for 0.5 FTE at Shackelford Elementary is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Modesto City Manager or his authorized designee is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-49

A RESOLUTION AMENDING THE FISCAL YEAR 2001/02 ANNUAL BUDGET ESTIMATING REVENUE AND APPROPRIATING FUNDS FOR PROVISION OF A COMMUNITY POLICE OFFICER FOR BRET HARTE AND SHACKELFORD ELEMENTARY SCHOOLS

WHEREAS, the Council of the City of Modesto has approved a consultant contract with Modesto City Schools to provide one Community Police Officer for 0.5 FTE at Bret Harte Elementary and for 0.5 FTE at Shackelford Elementary with funds granted through the Stanislaus County Children and Families Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2001/02 annual budget is hereby amended as indicated below:

To: Revenue:	**0100-190-1021-3727**	**$47,398**
To: Expense:		
Salary/Benefits	**0100-190-1921-0110**	**$26,439**
	0100-190-1921-0188	**10,311**
Overtime	**0100-190-1921-0130**	**1,130**
Patrol Vehicle	**0100-190-1921-0218**	**5,000**
Nextel Phone	**0100-190-1921-0210**	**76**
Nextel Phone Costs	**0100-190-1921-0210**	**300**
Laptop Computer	**0100-190-1921-0350**	**3,000**
Pager Air time	**0100-190-1921-0210**	**42**
All Personal Equipment	**0100-190-1921-0356**	**1,100**
Total		**$47,398**

and that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-50

RESOLUTION SUPPORTING LEGISLATION TO REQUIRE-CATHODE RAY TUBE MANUFACTURERS, DISTRIBUTORS, AND CONSUMERS AND OTHER HAZARDOUS ELECTRONICS PRODUCERS TO TAKE RESPONSIBILITY FOR REUSE AND RECYCLING OF THEIR PRODUCTS.

WHEREAS, hazardous electronic discards such as the cathode ray tubes from electronics equipment or television sets contain materials that can pose hazards to human health and the environment when handled improperly; and,

WHEREAS, the California Department of Toxic Substances Control recently affirmed that discarded cathode ray tubes, such as those found in televisions and computer monitors, are prohibited from disposal in Class III landfills, increasing concerns and costs regarding handling, management and liability; and,

WHEREAS, the City of Modesto is committed to protecting public health and the environment from hazardous electronic discards, while reducing waste and increasing recycling consistent with state waste diversion requirements; and

WHEREAS, the form, volume and toxicity of cathode ray tubes demands substantially greater producer and consumer responsibility for: 1) reducing the amount of hazardous materials in cathode ray tubes ; 2) diverting hazardous electronics from solid waste disposal; and 3) increasing the reuse and recycling of cathode ray tubes and components; and,

WHEREAS, Extended Producer And Consumer Responsibility principles will foster the development of sustainable design and recovery of cathode ray tubes by shifting the default burden of management responsibility from local government, ratepayers and taxpayers back to the manufacturers, distributors and consumers of such products, in part by internalizing lifecycle costs in the price of such products;

WHEREAS, Goal F of Section 2 of the January 1994 Household Hazardous Waste Element required to be adopted and implemented by the City by the California Integrated Waste Management Act of 1989 (AB 939) states that: "The City will support any feasible state or federal legislation that will effectively reduce or eliminate hazardous components in products sold to residents for use in or around the home."

NOW, THEREFORE BE IT RESOLVED, the City Council of Modesto hereby urges its State Assembly and State Senate Representatives, by letter and receipt of this resolution to introduce and support legislation requiring cathode ray tube producers to operate or fund comprehensive programs whereby products are sustainably designed and labeled; to create a convenient collection infrastructure that will result in a high rate of recovery; and, to maximize environmentally sound reuse and recycling of such hazardous electronics products.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
Jean Zahr, City Clerk

(SEAL)
APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-51

A RESOLUTION AUTHORIZING PROCEDURES FOR THE PROCESS TO CONDUCT THE PROPOSED INCREASE TO THE STORM DRAINAGE SEWER SURCHARGE RATES PROPERTY OWNER BALLOT PROCEDURES

WHEREAS, the City Manager authorized staff to hire Harris & Associates Inc. to develop procedures for the process for the completion, return and tabulation of Property Owner Ballots for the proposed increase to the Storm Drainage Sewer Surcharge Rates for the City, for a fee not to exceed $11,000.00, and

WHEREAS, staff has been working with Harris & Associates, Inc. to develop the Proposed Increase to the Storm Drainage Sewer Surcharge Rates Property Owner Balloting Procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the attached Exhibit "A" City of Modesto Proposed Increase to the Storm Drainage Sewer Surcharge Rates Property Owner Balloting Procedures be adopted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

City of Modesto
Proposed Increase to the
Storm Drainage Sewer Surcharge Rates
Property Owner Balloting Procedures

The following procedures set forth the process for the completion, return and tabulation of Property Owner Ballots for the proposed increase to the Storm Drainage Sewer Surcharge Rates for the City of Modesto (the City). The City Clerk's office will officiate the Property Owner Balloting process for the City and may be assisted by outside professionals. These Procedures will be kept on file in the office of the City Clerk and in the City of Modesto Engineering and Transportation Department.

A. Completion of Property Owner Ballots

1. Who may complete a Property Owner Ballot?

A Property Owner Ballot may be completed by the record owner of the parcel as defined in Government Code Section 53750(j). As used in these Procedures, the term "owner" includes the owner's authorized representative. If the owner of the parcel is a partnership, joint tenancy, or tenancy in common, a Property Owner Ballot may be completed by any of the general partners, joint tenants, or tenants in common. Only one Property Owner Ballot may be completed for each parcel.

2. Properties with Multiple Owners

One ballot will be mailed per parcel. The City Clerk will not determine proportioned interest in property. The Clerk will assume by its execution that the owner returning the ballot has done so with the authorization of the other owners.

3. Replacement Property Owner Ballots

If a Property Owner Ballot is lost, destroyed or never received, the City Clerk's office will provide an "official" Replacement Property Owner Ballot to the owner upon receipt of a request in writing delivered personally by the owner to the City Clerk's office at 1010 Tenth Street, Suite 6600, Modesto, CA. The City Clerk's office will log in the request, the Replacement Property Owner Ballot Number, the Assessor's Parcel Number, and the date. The City Clerk's office will then fill in the required information on the Replacement Property Owner Ballot, initial the "issued by" block, and give to the property owner along with a copy of the Balloting Package if the owner has not received this information.

4. **Marking and signing the Property Owner Ballot**

To complete a Property Owner Ballot, the owner of the parcel must (1) Mark the appropriate box supporting or opposing the proposed Property Owner increase, and (2) sign, under penalty of perjury, the statement on the Property Owner Ballot that the person completing the Property Owner Ballot is the owner of the parcel or the owner's authorized representative. Only one box may be marked on each Property Owner Ballot. Property Owner Ballots must be completed in ink.

5. **Only Property Owner Ballots provided by the City will be accepted**

The City will only accept Property Owner Ballots mailed or otherwise provided to owners by the City. Photocopies, faxes, and other forms of the Property Owner Ballot will not be accepted.

B. Return of Property Owner Ballots

1. **Who may return Property Owner Ballots**

A Property Owner Ballot may be returned by the owner of the parcel or by anyone authorized by the owner to return the Property Owner Ballot.

2. **Where to return Property Owner Ballots**

Property Owner Ballots may be mailed to the City Clerk's office at P.O. Box 642, Modesto, CA 95353.

Property Owner Ballots may also be delivered in person to the City Clerk's office at 1010 Tenth Street, Suite 6600, Modesto, CA.

Property Owner Ballots may not be returned by fax.

3. **When to return Property Owner Ballots**

a. **Mailed Property Owner Ballots.** The City Clerk's office must receive all mailed Property Owner Ballots by 5:00 p.m. on the day the Property Owner Balloting is scheduled to end. Postmarks will not be counted. The mailing address for the City Clerk's office is P.O. Box 642, Modesto, CA 95353.

b. **Hand-delivered Property Owner Ballots.** Up until 5:00 p.m. on the day the Property Owner Balloting is scheduled to end, Property Owner Ballots may be delivered in person to the City Clerk's office at 1010 Tenth Street, Suite 6600, Modesto, CA.

4. **Withdrawal of Property Owner Ballots**

After returning a Property Owner Ballot to the City, the person who signed the Property Owner Ballot may withdraw the Property Owner Ballot by appearing in person and providing identification acceptable to the City Clerk's office at 1010 Tenth Street, Suite 6600, Modesto, CA. Said property owner must sign a Property Owner Ballot Withdrawal Form, provided by the City Clerk. Such request must be made before 5:00 p.m. on the day the Property Owner Balloting is scheduled to end. If any Property Owner Ballot has been withdrawn, the person withdrawing the Property Owner Ballot may request a Replacement Property Owner Ballot. The City Clerk's office will retain all withdrawn Property Owner Ballots and will indicate on the envelopes of such Property Owner Ballots that they have been withdrawn.

C. Tabulation of Property Owner Ballots

1. **Which Property Owner Ballots will be counted?**

Only Property Owner Ballots which are completed and returned in compliance with these procedures will be counted:

a. Only Property Owner Ballots received by the City Clerk's office before 5:00 p.m. on the day the Property Owner Balloting is scheduled to end will be counted.

b. Only Property Owner Ballots which are signed will be counted.

c. Only Property Owner Ballots with one (1) box marked will be counted.

d. Only Property Owner Ballots that have not been withdrawn in accordance with these procedures will be counted.

The City Clerk's office will keep a record of each Replacement/New Property Owner Ballot provided to an owner and will verify that only one Property Owner Ballot has been returned for the parcel. If an owner returns both the original Property Owner Ballot and a Replacement Property Owner Ballot, the City will count the Replacement Property Owner Ballot and disregard the Original Property Owner Ballot.

2. **When and where Property Owner Ballots will be tabulated**

The tabulation of Property Owner Ballots will be performed in the City Clerk's office in the days following the day the Property Owner Balloting is scheduled to end, during normal business hours.

3. **How Property Owner Ballots will be tabulated**

Property Owner Ballots may be counted by hand, by computer or by any other tabulating device.

Each Property Owner Ballot will count as one (1) vote.

4. **Who will tabulate Property Owner Ballots**

Property Owner Ballots may be tabulated by the City Clerk's office or by any representative authorized by the City Clerk.

5. **Results of tabulation**

The City Council may confirm the rate increase only if a majority of the Property Owner Ballots returned are in favor of the rate increase.

If a majority of the Property Owner Ballots returned are opposed to the rate increase, then the rate increase will not be imposed.

The results of the tabulation will be announced at the City Council meeting following the completion of the tabulation and entered in the minutes of the meeting.

D. Resolution of Disputes

1. **Property Ownership**

a. In the event of a dispute regarding whether the signer of a Property Owner Ballot is the owner of the parcel to which the Property Owner Ballot applies, the City will make such determination from the last equalized assessment roll. The City will be under no duty to obtain or consider any other evidence as to ownership of property and the City's determination of ownership will be final and conclusive.

b. In the event of a dispute regarding whether the signer of a Property Owner Ballot is an authorized representative of the owner of the parcel, the City shall rely on the statement on the Property Owner Ballot, signed under penalty of perjury, that the person completing the Property Owner Ballot is the owner's authorized representative and any evidence submitted to the City Clerk's office prior to the end of the Property Owner Balloting period. The City shall be under no duty to obtain or consider any other evidence as to whether the signer of the Property Owner Ballot is an authorized representative of the owner and the City's determination shall be final and conclusive.

2. **Appeals of Surcharge Rate Amount**

   a. If a property owner disagrees with the calculation of his or her surcharge rate, based on the formula approved by the City Council, then the property owner may appeal the calculation by providing written documentation explaining the reason why the surcharge rate should be changed. The Director of Engineering and Transportation, or his or her designee, will review the information and make a determination as to whether or not the surcharge rate amount should be changed.

   b. If an appeal is granted, any modification to the surcharge rate of a particular parcel will be made within a two (2) month period after the approved appeal.

E. General Information

1. The names and addresses of the owners of real property within the City were obtained from the last equalized secured property tax assessment roll of the Assessor of Stanislaus County, approximately 30 days prior to mailing of ballots. Any person not appearing on tax rolls shall not be allowed to vote in this proceeding.

2. Notices and Property Owner Ballots will be mailed to all affected property owners, as shown on the last equalized secured property tax assessment roll, at least 45 days prior to the end of the Property Owner Balloting period. Any Property Owner Ballot packet that is returned to the City as "undeliverable" by the U.S. Postal Service will be retained by the City for the duration of the proceedings.

3. All returned Property Owner Ballots are public records, but the actual Property Owner Ballots received will be kept secured until after the tabulation has been completed. At that time, the Property Owner Ballots will be available for review by the public. A complete listing of Assessor's Parcel Numbers voted "For" and "Against" the proposed Property Owner increase will be available for public information.

Print

RESCINDED
4-16-2002
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION
2002-184

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-52

A RESOLUTION CALLING FOR A SPECIAL ELECTION TO BE CONDUCTED WHOLLY BY MAIL BALLOT TO BE HELD ON APRIL 29, 2002, FOR THE PURPOSE OF SUBMITTING TO THE PROPERTY OWNERS OF THE CITY OF MODESTO A RESOLUTION INCREASING THE CITY'S STORM DRAINAGE SEWER SURCHARGE RATES BY EIGHT (8) PERCENT AND TO ADJUST SAID ANNUALLY THEREAFTER UP TO 3.5% PER YEAR FOR A PERIOD NOT TO EXCEED FOUR YEARS TO THE STORM DRAINAGE SEWER SYSTEM.

WHEREAS, the City Council desires to submit to the property owners in the City of Modesto a measure to increase the City's storm drainage sewer surcharge rates eight (8) percent beginning in 2002, with an annual adjustment for inflation up to 3.5% each year in 2003, 2004, and 2005, for a total of four years, for the purpose of funding the ongoing maintenance of the storm drainage sewer system.

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

SECTION 1. Pursuant to Section 6(c) of Article XIIID of the California Constitution (Proposition 218), and the Proposition 218 Omnibus Implementation Act, California Government Code §53750, et. seq., the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the property owners in the City of Modesto, at a special all mail ballot election to be held on April 29, 2002, a resolution increasing the City's storm drainage sewer surcharge rates eight (8) percent beginning in 2002, with an annual adjustment for inflation up to 3.5% each year in 2003, 2004, and 2005, for a total of four years, for the purpose of funding the ongoing maintenance of the storm drainage sewer system.

SECTION 2. It hereby orders the City Clerk to submit the proposed rate increase resolution to property owners of Modesto at a special municipal all mail ballot election on April 29, 2002.

SECTION 3. The ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed to include the question set forth in the ballot attached as Exhibit "A".

SECTION 4. That the voters may return their mail ballot in person rather than returning it by United States mail to the following:

City Clerk's Office
1010 Tenth Street, Suite 6600
Modesto, California
Monday - Friday, from 7:30 a.m. to 5:00 p.m.

SECTION 5. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Smith

NOES: Councilmembers: Conrad, Serpa, Sabatino

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MDM
MICHAEL D. MILICH, City Attorney

EXHIBIT A

March 11, 2002

Dear Property Owner:

The City of Modesto is proposing to increase the Storm Drainage Sewer Surcharge rates to meet the on-going needs of facility operation, maintenance and replacement related to providing storm drainage service to properties within the City of Modesto.

As you may already know, even during moderate storm events, certain areas of the City of Modesto experience localized street flooding. This is due to the existing storm drainage system's inability to handle the stormwater flow. The City's storm drainage system is highly dependent on preventative maintenance and timely repairs in order to work properly. While a number of repairs and improvements have been made over the past few years using reserve funds, the overall system is still deficient due largely to a lack of adequate funding – funding needed to perform maintenance and repairs on a regular basis. The existing Storm Drainage Surcharge fee, shown on your utility bills, pays for rockwell cleanings, rehabilitations and replacements; monitoring storm water quality; street sweeping; annual leaf collections; storm drain repairs; and general capital improvements to the storm drain system.

It is estimated that without a storm drainage fee increase, the Storm Drainage Enterprise Fund Reserves will be depleted by June 30, 2002. As a result, the City Council will have to decide whether to divert funds from other usages or to reduce service in one or more of the following functions supported by the Storm Drainage Enterprise Fund:

- Level of maintenance and repair effort on the existing storm drainage system,
- The amount of leaf collection, and/or
- The frequency of street sweeping.

The Storm Drainage Sewer Surcharge fee was established in 1991, and through 1995 various adjustments have been made to the fee. Since 1996, the fees have remained unchanged although the cost of living has increased by almost 15% since that time. Combined with the ongoing maintenance since that time, these circumstances have caused the Storm Drainage Enterprise Fund Reserves to deplete and are the reasons for this storm drain fee increase recommendation.

Proposition 218, which was added to the State Constitution by California voters in November of 1996, requires that the City obtain the approval from property owners in a balloting process before these rates may be increased.

On November 27, 2001, the City Council opened a protest hearing on the proposed increase and continued it to December 11, 2001, at which time they received public testimony. On February 5, 2002, the City Council took action to place the proposed increase before the property owners.

The enclosed documents contain your **Official Property Owner Ballot**, which is the yellow piece of paper with your name and address on it, and information regarding the proposed increase and how the Storm Drainage Sewer Surcharge is calculated.

Please review the enclosed information, which will give you complete details of the proposed increase, how the Storm Drainage Sewer Surcharge is calculated, and other information. In addition, information meetings about the proposed increase will be held in various locations throughout the City. These will be held at the dates, times, and locations shown below. You are invited to attend these meetings to have your questions answered.

Information Meeting Locations

Day & Date:	Time:	Location:
Monday, March 25, 2002	5:00 to 7:00 pm	Senior Citizens Center, 211 Bodem Avenue, Modesto
Thursday, April 11, 2002	7:00 to 9:00 pm	King-Kennedy Memorial Center, 601 N. Martin Luther King Drive, Modesto
Wednesday, April 17, 2002	7:00 to 9:00 pm	City Council Chambers, 1010 Tenth Street, Modesto

(over)

The most important document in this material is the Property Owner Ballot. It must be marked and returned to the City Clerk by mail or in person no later than 5:00 p.m. on Monday, April 29, 2002, to be counted. (Please see the enclosed documentation for where to return your Property Owner Ballot.)

The Property Owner Ballots cast as "yes" and "no" votes will determine the fate of this rate increase. Property Owner Ballots that are not returned or are returned late cannot be counted, **so please return your ballot!**

If you have questions regarding the information about the Storm Drainage Sewer Surcharge rate increase, please call (209) 577-5462, or if you desire assistance calculating the amount of your surcharge, please call (209) 577-5395. Assistance is available Monday through Friday, between 8:00 a.m. and 5:00 p.m.

You may also e-mail your questions to stormsewerrates@modestogov.com. You may also view a detailed report regarding the rate increase in the Engineering and Transportation Department at 1010 Tenth Street, Modesto, California, or online at: www.modestogov.com.

Para asistencia en Español, si usted requiere asistencia en Español, llame a la Ciudad de Modesto, Departamento de Servicios para Clientes al (209) 577-5395, lunes a viernes, 8:00 a.m. a 5:00 p.m.

Thank you for your consideration of this issue.

NOTICE TO PROPERTY OWNERS AND PROPERTY OWNER BALLOT
FOR THE PROPOSED INCREASE TO THE
STORM DRAINAGE SEWER SURCHARGE RATES
IN THE CITY OF MODESTO

I. Notice

This notice informs you, as a record owner of property within the City of Modesto, that on February 5, 2002, the City Council adopted Resolution No. 2002-52 in which it authorized the City Clerk to conduct a Property Owner Balloting for the proposed Storm Drainage Sewer Surcharge rate increase. The Property Owner Ballots are due in the City Clerks office, located at 1010 Tenth Avenue, Suite 6600, Modesto, CA no later than 5:00 p.m. on April 29, 2002. (The City Clerk's mailing address is P.O. Box 642, Modesto, CA 95353)

Persons who wish to submit a Property Owner Ballot should mail or personally deliver it before the end of the Property Owner Balloting period in accordance with the directions provided in the "Summary of Property Owner Ballot Procedures" which may be found on the back of your ballot.

II. Rate Increase Information

1. **Name of Charge:** Storm Drainage Sewer Surcharge
2. **The proposed rate increase:** 8%. Please see the Rate Calculation Sheet on the back of this notice for the specific rate increases for different types of properties.
3. **Duration of the Rate:** The increased Storm Drainage Sewer Surcharge will be charged monthly for a one year period and then may be increased on an annual basis thereafter up to a maximum of 3.5% per year for an additional 3 years.
4. **Reason for the Rate Increase:** The purpose of the proposed increase is to fund the on-going needs of facility operation, maintenance, and replacement related to providing storm drainage sewer service to properties within the City of Modesto storm drainage sewer service area. When evaluating the need for a rate increase the following factors were considered:
   - Cost of continuing to meet regulatory requirements
   - Cost of continuing operation & maintenance of the storm drainage sewer system.
   - The need to fund deferred maintenance of the system.
   - The need to maintain a reasonable level of reserve funds to deal with emergencies.
5. **Calculation of the Rate Increase:** All parcels within the City's storm drainage sewer service area are charged a storm drainage sewer surcharge rate calculated as shown on the Rate Calculation Sheet on the back of this notice.
6. **Property Owner Balloting Results:** If a majority of the Property Owner Ballots returned support the rate increase, the rate increase may be adopted by the City Council. If a majority of the ballots returned oppose the rate increase, the rate increase will not be imposed. Each property has one (1) vote.

The proposed rate increase described in this Notice, if approved, will appear on the utility bill for your property.

III. Questions Regarding These Proceedings

If you have questions regarding the information about the Storm Drainage Sewer Surcharge, please call (209) 577-5462, or if you require assistance calculating the amount of your surcharge, please call (209) 577-5395. Assistance is available Monday through Friday, between 8:00 a.m. and 5:00 p.m. You may also e-mail your questions to stormsewerrates@modestogov.com. You may also view a detailed report regarding the rate increase in the Engineering and Transportation Department at 1010 Tenth Street, Modesto, California, or online at: www.modestogov.com.

Para asistencia en Español, si usted requiere asistencia en Español, llame a la Ciudad de Modesto, Departamento de Servicios para Clientes al (209) 577-5395, lunes a viernes, 8:00 a.m. a 5:00 p.m.

(Please see the Rate Calculation Sheet on the back of this notice.)

STORM DRAINAGE SEWER SURCHARGE
RATE CALCULATION SHEET

Single Family Residential Property

The monthly charge for a single family home is calculated based on the area of the property. The current monthly charge and the proposed increase for a single family home are shown in the table at the right.

Single Family Home Monthly Charge			
Area of Property in Square Feet	Current Charge	Proposed Increase	Proposed New Charge
0 - 3,500	$1.65	**$0.13**	$1.78
3,501 - 7,000	$3.23	**$0.26**	$3.49
7,000 +	$4.85	**$0.39**	$5.24

Non-Single Family Residential Property

The monthly charge for any non-single family residential property is based on the intensity of development for the type of land use on the property and the size of the property. An Equivalent Runoff Unit (ERU) is calculated for each parcel as follows:

Equivalent Runoff Units (ERUs) = Intensity Development Factor (IDF) x Area Range Number (ARN)

	Current Charge	Proposed Increase	Proposed New Charge
For each ERU:	$6.58	**$0.53**	$7.11

The monthly charge for non-Single Family Residential property is based on the calculated ERU for each property. The current monthly charge per ERU and the proposed increase is shown in the table to the left.

Intensity of Development Factor (IDF). Each development classification in the City has been assigned an Intensity of Development Factor based on generally accepted engineering standards directly related to the type of land use. The IDF's for the different land uses in the City are shown in the tables to the right and below.

All developed parcels are classified according to the Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular parcel.

Residential Land Use	IDF
Multi-Family High Density	0.95
Multi-Family Medium Density	0.80
Duplex	0.50
Multi-Family Low Density	0.40
Multi-Family Very Low Den.	0.25
Multi-Family Mobile Home	0.31

Non-Residential Land Use	IDF
Commercial	0.95
Industrial	0.75
Government	0.70
Hospitals	0.50
Transportation/Utilities	0.40
Non-Profit Organizations	0.40
Schools	0.25
Parks/Cemeteries	0.10
Agriculture	0.08
Undeveloped	0.00

Area Range Number (ARN). An Area Range Number is assigned to each property based on its actual area in square footage based on increments of 3,500 square feet. The table to the right provides a representative sample of ARNs

ARN	Property Area in Square Feet	ARN	Property Area in Square Feet
1	0 - 3,500	5	14,001 - 17,500
2	3,501 - 7,000	6	17,501 - 21,000
3	7,001 - 10,500	7	21,001 - 24,500
4	10,501 - 14,000	etc.	Increments of 3,500

Sample Calculations:

Land Use	Property Area (SF)	IDF	x	ARN	=	ERU	Current Charge	Proposed Increase	Proposed New Charge
Duplex	7,000	0.50	x	2	=	1.00	$6.58 / month	**$0.53 / month**	$7.11 / month
Commercial	5,000	0.95	x	2	=	1.90	$12.50 / month	**$1.01 / month**	$13.51 / month
Industrial	12,000	0.75	x	4	=	3.00	$19.74 / month	**$1.59 / month**	$21.33 / month

The increase shown above will be charged monthly for a one year period and then may be increased on an annual basis thereafter up to a maximum of 3.5% per year for an additional 3 years.

City of Modesto
City Clerk
P.O. Box 642
1010 Tenth Street, Suite 6600
Modesto, CA 95353

OFFICIAL PROPERTY OWNER BALLOT

City of Modesto
Storm Drainage Sewer Surcharge
Proposed Rate Increase

window of #10 envelope

Owner's Name

Owner's Address
City, State, Zip Code

Assessor's Parcel Number:

Parcel Address:

Proposed Rate Increase:	**Change in Monthly Rate**	**Total New Monthly Rate***
Single Family Home, property area of 0 – 3,500 sq. ft.	$0.13 / parcel	$1.78 / parcel
Single Family Home, property area of 3,501 – 7,000 sq. ft.	$0.26 / parcel	$3.49 / parcel
Single Family Home, property area of 7,000+ sq. ft.	$0.39 / parcel	$5.24 / parcel
Non-Single Family Residential Property	$0.53 / ERU**	$7.11 / ERU**

* this amount will be charged monthly for a one year period and then may be increased on an annual basis thereafter up to a maximum of 3.5% per year for an additional 3 years.

** ERU = Equivalent Runoff Unit. Please see the enclosed Rate Calculation Sheet for a complete explanation of how this is calculated.

To be entitled to complete and submit this Property Owner Ballot, the person completing and submitting this Property Owner Ballot must be the record owner of the property identified above or the representative of the record owner of such property who is legally authorized to complete and submit this ballot for and on behalf of the record owner.

Please mark your ballot in ink. Do not use pencil.

Upon completion, place the Property Owner Ballot in the return envelope and seal the envelope. Mail or deliver the Property Owner Ballot to the address shown on the return envelope pursuant to the instructions on the back of this page.

For additional information about the Storm Drainage Sewer Surcharge rates, please see the enclosed notice and Rate Calculation Sheet.

This is not a bill.

✂ Please cut along this line and return the completed ballot, sealed in the provided envelope, to the City Clerk ✂

PROPERTY OWNER BALLOT

Assessor's Parcel Number:

Owner Name:

[bar code – Y]

☐ Yes, **I SUPPORT** the proposed rate increase for the Storm Drainage Sewer Surcharge

☐ No, **I am OPPOSED** to the proposed rate increase for the Storm Drainage Sewer Surcharge

[bar code – N]

I hereby declare under penalty of perjury that I am the record owner, or the authorized representative of the record owner, of the parcel identified above.

Date _____ Printed Name _____ Signature _____

SUMMARY OF PROPERTY OWNER BALLOT PROCEDURES

If you are the owner of the property described on the enclosed Property Owner Ballot, you may submit the enclosed Property Owner Ballot to the City to support or oppose the proposed rate increase. Please follow the instructions below to complete and return your Property Owner Ballot.

1. Mark your vote on the enclosed Property Owner Ballot in favor or against the proposed Rate Increase by placing an "X" in the corresponding box.
2. Mark, sign and date your Property Owner Ballot in ink. (Property Owner Ballots received without a signature will not be counted.) Do not use pencil.
3. Place your ballot into the provided return postage pre-paid envelope and seal the envelope.
4. Property Owner Ballots may be mailed to the City Clerk's office at P.O. Box 642, Modesto, CA 95353.

   Property Owner Ballots may also be delivered in person to the City Clerk's office at 1010 Tenth Street, Suite 6600, Modesto, CA.
5. The City ***must*** receive all Property Owner Ballots before 5:00 p.m. on April 29, 2002. Any Property Owner Ballot received after this time cannot legally be counted. **Postmarks will not be accepted.** (Property Owner Ballots may be delivered to the City Clerk any time prior to this date and time.)
6. The tabulation of Property Owner Ballots will be performed in the City Clerk's office, during normal business hours, following the end of the Property Owner Balloting period. The Property Owner Ballots will be tabulated electronically, and each property has one (1) vote.
7. The City Council may confirm the rate increase only if a majority of the Property Owner Ballots returned are in favor of the rate increase.
8. If a majority of the Property Owner Ballots returned are opposed to the rate increase, then the rate increase will not be imposed.
9. Your Property Owner Ballot is not confidential and may be subject to public disclosure.

Complete Property Owner Balloting Procedures are on file at the City Clerks office and at the Engineering and Transportation Department.

The information in this notice and the accompanying materials were compiled and are distributed at public expense by the City of Modesto in compliance with Article XIIID of the California Constitution. This information is presented in the public interest. It is not intended to influence or attempt to influence the actions of the voters to vote "yes" or "no" on the enclosed Property Owner Ballot.

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-53

Print

A RESOLUTION APPROVING AN AGREEMENT WITH HARRIS & ASSOCIATES FOR PROFESSIONAL SERVICES RELATED TO CONDUCTING PROPERTY OWNER BALLOT FOR A PROPOSED INCREASE TO THE STORM DRAINAGE SEWER SURCHARGE RATES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the City Manager authorized staff to hire Harris & Associates Inc. to develop procedures for the process for the completion, return and tabulation of Property Owner Ballots for the proposed increase to the Storm Drainage Sewer Surcharge Rates for the City, and

WHEREAS, the City Council adopted the procedures for the increase to the Storm Drainage Sewer Surcharge Rates by Resolution 2002-51 on February 5, 2002, and

WHEREAS, there is not sufficient City staff to assign to conduct the election for the Storm Drainage Sewer Surcharge Rate Increase, and

WHEREAS, Harris & Associates has unique experience and knowledge of conducting property owner balloting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Harris & Associates, Inc., related to the property owner ballot for the Storm Drainage Sewer Surcharge Rate Increase to include preparation of the ballot materials, mailing of the ballots, counting of the ballots, and presenting the results to the City Council for certification.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-54

Print

A RESOLUTION AMENDING THE BUDGET, APPROPRIATING $95,000 TO FULLY FUND THE MAILING OF A BALLOT FOR THE STORM DRAINAGE SEWER SURCHARGE RATE INCREASE, AND AUTHORIZING CITY STAFF TO MAIL THE BALLOTS.

WHEREAS, the Engineering and Transportation Department did not include in its budget, the cost for the mailing of a Ballot for the Storm Drainage Sewer Surcharge Rate Increase, and

WHEREAS, this was a result of not anticipating the need to increase the Storm Drainage Sewer Surcharge rates, and

WHEREAS, the cost of printing, sorting and mailing the ballots is estimated at $95,000,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the following appropriation is hereby approved:

FROM:	6280-800-8000-8003	$95,000.00
TO:	6280-440-5319-0235	$95,000.00

BE IT FURTHER RESOLVED that City staff is hereby authorized to mail ballots to the affected property owners after the public hearing on December 11, 2001, and to perform other election related tasks to accomplish the mailing of said ballots.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-55

A RESOLUTION FINDING THAT THE FOLLOWING PROJECTS ARE WITHIN THE SCOPE OF THE PROJECTS COVERED BY THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH 95122030) FOR THE EMPIRE NORTH UNIT 1 SPECIFIC PLAN 1) RESOLUTION OF APPLICATION TO STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION FOR A PROPOSED REORGANIZATION TO ANNEX 24.4 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF PARKER ROAD EAST OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD NORTH OF DRY CREEK WITHIN THE EMPIRE NORTH UNIT SPECIFIC PLAN AREA TO THE CITY OF MODESTO (MACHADO REORGANIZATION AREA); AND 2) ORDINANCE AMENDING A PORTION OF SECTIONS 18-3-10 AND 19-3-10 OF THE ZONING MAP TO PREZONE TO SPECIFIC PLAN-OVERLAY ZONE, (SP-O), 24.4 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF PARKER ROAD, EAST OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD, NORTH OF DRY CREEK

WHEREAS, on January 7, 1997, by Resolution No. 97-5, the City Council of the City of Modesto certified the Final Focused Environmental Impact Report ("EIR") (SCH No. 95122030) for the Empire North Unit 1 Specific Plan, and

WHEREAS, John J. and Judy A. Machado have proposed that the zoning designation for the 24.4 acres of property located on the south side of Parker Road east of the Burlington Northern and Santa Fe Railroad north of Dry Creek, be amended to prezone to Specific Plan-Overlay, (SP-O), to allow the property to be annexed to the City of Modesto, and

WHEREAS, the City of Modesto proposes to adopt a Resolution of Application to the Stanislaus County Local Agency Formation Commission for a proposed reorganization to annex the 24.4 acre property located on the south side Parker Road, east of the Burlington Northern and Santa Fe Railroad north of Dry Creek, and

WHEREAS, the proposed prezoning designation and the Resolution of Application are hereafter collectively referred to as "the Projects", and

WHEREAS, Section 21158 of the Public Resources Code, relating to reviewing subsequent projects for a Focused EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study EA/CDD 2001-73 reviewed the Projects to determine whether the

Projects are within the scope of the projects covered by the Empire North Unit 1 Specific Plan Final focused EIR, and

WHEREAS, the Initial Study EA/CDD 2001-73 was considered by the City Council at a duly noticed public hearing which was held on February 5, 2002, at 5:15 p.m., in the Tenth Street Place Chambers, 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it has reviewed and considered the Initial Study prepared for the proposed Projects, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That there are no substantial changes proposed in the projects which will require major revisions of the Empire North Unit 1 Specific Plan Final Focused EIR (SCH No. 95122030).

2. That there are no substantial changes occurring with respect to the circumstances under which the projects are being undertaken which will require major revisions in the Empire North Unit 1 Specific Plan Final Focused EIR.

3. That no new information, which was not known and could not have been known at the time the Empire North Unit 1 Specific Plan Final Focused EIR was certified as complete, has become available.

4. That the proposed project will have no new or significant effects on the environment that were not adequately identified and addressed in the Empire North Unit 1 Specific Plan Final Focused EIR.

5. That all feasible mitigation measures or feasible alternatives appropriate to the project, as set forth in the Empire North Unit 1 Specific Plan Final Focused EIR have been incorporated and that no new or additional mitigation measures or alternatives are required.

6. That the proposed Projects are within the scope of the projects covered by the Empire North Unit 1 Specific Plan Final Focused EIR.

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

The foregoing resolution was introduced at the regular meeting of the Council of the City of Modesto held on February 5, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

Ayes: Councilmembers: Fisher, Friedman, Smith, Mayor Sabatino

Noes: Councilmembers: Frohman, Serpa

Absent: Councilmembers: Conrad

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____

MICHAEL D. MILICH, City Attorney

Exhibit "A"

INITIAL STUDY
EA/CDD 2001-73

City of Modesto
Initial Study

Prezoning to SP-O, Specific Plan Overlay for the Empire North Unit 1 Specific Plan Area and Annexation of the subject property (John & Judy Machado)

EA/CDD 2001-73
October 24, 2001

I. PURPOSE

On January 7, 1997, the Modesto City Council certified the Final Focused Environmental Impact Report for the Empire North Unit 1 Specific Plan (SCH# 95122030). This Final Focused EIR analyzed the impacts of build-out of the Empire North Unit 1 Specific Plan, which includes the area in which this project is proposed.

Section 15182 of the CEQA Guidelines allows the Empire North Unit 1 Specific Plan Focused EIR to be used for subsequent projects, if the following findings can be made:

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.
B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The purpose of this Initial Study is to provide the substantial evidence for the above findings.

II. PROJECT DESCRIPTION

A. Project title:
Prezone to SP-O (Specific Plan Overlay)

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

C. Contact person and phone number:
Patrick Kelly, Community Development Department, (209) 577-5268

D. Project Location:
South side of Parker Road east of the Burlington Northern and Santa Fe Railroad tracks & Santa Fe Railroad tracks.

E. Project Sponsor:
John and Judy Machado, 1500 J Street, Modesto, CA 95354

F. General Plan Designation:
Village Residential (VR)

G. Current Zoning:
The site has no zoning designation. The application is to prezone the property SP-O (Specific Plan – Overlay)

H. Description of Proposed Project:
Annexation of the subject property totaling 24.4 acres and prezone the subject property to SP-O, as required by the Stanislaus LAFCO to the City of Modesto. The property is within the adopted Empire North Unit 1 Specific Plan area. The property is not commercially farmed, currently contains and existing rural residential home site.

I. Surrounding land uses:
The project is adjoined on the north and east by rural ranchettes and agricultural uses, to the south by Dry Creek and it's associated floodplain, and to the west by the Santa Fe Railroad, with single-family homes further west.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Empire North Unit 1 Specific Plan Final Focused EIR:

1. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages 3-1 through 3-11 of the Empire North Unit 1 Specific Plan Focused EIR. The prezoning and annexation would result in no new land uses that are not anticipated by the traffic analysis contained within the Focused EIR. Therefore, there would be no change to the traffic and circulation impacts analyzed in this section of the EIR. Thus, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the Focused EIR are, therefore, still valid.

2. Generation of Noise

Noise impacts are analyzed on pages 3-11 through 3-18 of the Empire North Unit 1 Specific Plan Focused EIR. Prezoning and annexation and the subsequent

development of residential uses, because they are uses consistent with the Empire North Unit 1 Specific Plan, will not affect an increase in projected noise generation for this area. The prezoning and annexation would result in no new land uses that are not anticipated by the Focused EIR. Thus, Existing Conditions, Impacts analysis and Mitigation Measures listed in the Focused EIR for Generation of Noise are, therefore, still valid.

3. Loss of Sensitive Plant and Wildlife Habitat

Impacts to sensitive plant and wildlife habitat are analyzed on pages 3-18 through 3-25 of the Empire North Unit 1 Specific Plan Focused EIR. The prezoning and annexation would result in no new land uses that are not anticipated in the Loss of Sensitive Plant and Wildlife Habitat Section contained within the Focused EIR. Thus, Existing Conditions, Impacts Analysis and Mitigation Measures listed in the Focused EIR for Loss of Sensitive Plant and Wildlife Habitat are, therefore, still valid.

4. Disturbance of Archaeological or Historical Sites

Disturbance of archaeological or historical sites is analyzed on pages 3-25 through 3-32 of the Empire North Unit 1 Specific Plan Focused EIR. The prezoning and annexation would result in no new land uses that are not anticipated by the Disturbance of Archaeological or Historical Sites analysis contained within the Focused EIR. Thus, Existing Conditions, Impacts Analysis and Mitigation Measures listed in the Focused EIR for Increased Demand for Disturbance of Archaeological or Historical Sites are, therefore, still valid.

5. Drainage, Flooding and Water Quality

Drainage, flooding and water quality are analyzed on pages 3-32 through 3-35 of the Empire North Unit 1 Specific Plan Focused EIR. The prezoning and annexation would result in no new land uses that are not anticipated by the Drainage, Flooding and Water Quality analysis contained within the Focused EIR. Thus, Existing Conditions, Impacts Analysis and Mitigation Measures listed in the Focused EIR for Increased Demand for Drainage, Flooding and Water Quality are, therefore, still valid.

6. Increased Demand for Parks and Open Space

Increased demand for parks and open space is analyzed on pages 3-35 through 3-39 of the Empire North Unit 1 Specific Plan Focused EIR. The prezoning and annexation would result in no new land uses that are not anticipated by the Demand for Parks and Open Space Analysis contained within the Focused EIR. Thus, Existing Conditions, Impacts analysis and Mitigation Measures listed in the

Focused EIR for Increased Demand for Parks and Open Space are, therefore, still valid.

7. Public Safety

Impacts to public safety are analyzed on pages 3-40 through 3-44 of the Empire North Unit 1 Specific Plan Focused EIR. The prezoning and annexation would result in no new land uses that are not anticipated by Public Safety analysis contained within the Focused EIR. Thus, Existing Conditions, Impacts Analysis and Mitigation Measures for Public Safety listed in the Focused EIR are, therefore, still valid.

8. Increased Demand for Schools

Increased demand for schools is analyzed on pages 3-45 through 3-48 of the Empire North Unit 1 Specific Plan Focused EIR. The prezoning and annexation would result in no new land uses that are not anticipated by Public Safety analysis contained within the Focused EIR. Thus, Existing Conditions, Impacts Analysis and Mitigation Measures for Increased Demand for Schools listed in the Focused EIR are, therefore, still valid.

B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report

The Empire North Unit 1 Specific Plan Focused EIR was certified by the Modesto City Council on January 7, 1997. In the period since then, there have been no significant changes to the surrounding area that were not already anticipated and analyzed by the Empire North Unit 1 Specific Plan Focused EIR. The only development occurring near this area is in the Village One Specific Plan, and that development was anticipated and analyzed in the Empire North EIR. Therefore, there has been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Empire North Unit 1 Specific Plan Focused EIR.

C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available

The Empire North Unit 1 Specific Plan Focused EIR was certified by the Modesto City Council on January 7, 1997. Since then, there is no new information, which was not known at the time the Empire North Unit 1 Specific Plan Focused EIR was certified, has become available, that would change the conclusions of the EIR.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Empire North Unit 1 Specific Plan Focused EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Empire North Unit 1 Specific Plan Focused EIR.

C. No new information, which was not known and could not have been known at the time the Empire North Unit 1 Specific Plan Focused EIR was certified as complete, has become available.

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

Patrick Kelly

Patrick Kelly, AICP
Principal Planner

10.24.01
Date

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-56

A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF MODESTO TO THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION TO ANNEX 24.4 ACRES OF PROPERTY WITHIN THE EMPIRE NORTH UNIT ONE SPECIFIC PLAN AREA TO THE CITY OF MODESTO, PROPERTY LOCATED ON THE SOUTH SIDE OF PARKER ROAD, EAST OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD, NORTH OF DRY CREEK (COUNCIL INITIATED – UNINHABITED).

WHEREAS, the City has received a written request from the sole property owner, Mr. John J. Machado and Mrs. Judy A. Machado, to initiate annexation of their parcel to the City of Modesto, said parcel is approximately 24.4 acres within the Empire North Unit One Specific Plan, located on the south side of Parker Road east of the Burlington Northern and Santa Fe Railroad north of Dry Creek (the "Property"), and

WHEREAS, the Council of the City of Modesto desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, for the annexation of the Property to the City of Modesto, and

WHEREAS, this Resolution of Application by the City Council is proposed pursuant California Government Code Section 56654 and Section 56700, and

WHEREAS, notice of intent to adopt this resolution of application has been given to the following interested and subject agencies: Stanislaus County, Modesto City School District, Modesto Irrigation District, Modesto High School District, and Stanislaus Consolidated Fire Protection District, and

WHEREAS, the territory proposed to be annexed is uninhabited, and a description of the boundaries of the subject territory is set forth in Exhibit "A", attached hereto and by this reference incorporated herein, and

WHEREAS, said territory consists of 24.4 acres, as set forth on Exhibit "B", attached hereto and by this reference incorporated herein, and

WHEREAS, this subject property is part of the Empire North Unit One Specific Plan Area which received a Measure "M" Citizens Advisory vote on November 3, 1998, which was positive by a vote of 22,402 to 17,819, certified by Council Resolution No. 98-647 adopted on December 8, 1998, and

WHEREAS, the subject territory proposed to be annexed is within the current Sphere of Influence of the City of Modesto, as adopted on December 19, 1994, and

WHEREAS, there are no Williamson Act contracts within the proposed annexation area, and

WHEREAS, prior to an annexation application being allowed to be heard by LAFCO, there must first be an agreement with the County providing for the sharing of property taxes following an annexation, and

WHEREAS, the proposed annexation area is covered by the Master Property Tax Agreement entered into between the County of Stanislaus and City of Modesto which was approved by Council Resolution No. 96-170 on April 9, 1996, and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

(a) The annexation of said territory, as set forth on Exhibit "A" attached hereto, to the City of Modesto.

(b) The detachment of said territory from the Stanislaus Consolidated Fire District.

(c) The annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the reasons for this proposed reorganization to the City of Modesto are as follows:

(a) Staff has received a written request signed by the property owners, Mr. John J. and Mrs. Judy A. Machado, to annex their parcel to the City of Modesto.

(b) The proposed annexation is consistent with the Urban Area General Plan and the Empire North Unit One Specific Plan Area and can be served by City services.

(c) The proposed annexation will result in planned, orderly and efficient development of the area, and provision of services, and

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in Exhibit "C", attached hereto and by this reference incorporated herein, and

WHEREAS, the Community Development Department Director shall be the chief petitioner to submit an application to the Stanislaus County LAFCO requesting annexation of the property described in City of Modesto Ordinance No.____ - C.S, attached hereto, pursuant to California Government Code Section 56700, and

WHEREAS, said matter was set for a duly noticed public hearing of the City Council to be held on February 5, 2002, at 5:15 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, and the City Clerk gave notice as required by law,

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

1. That future development of this site shall be consistent with the Modesto Urban Area General Plan adopted by the Council of the City of Modesto on August 15, 1995, and the Empire North Unit One Specific Plan adopted by the Council of the City of Modesto on January 7, 1997, and

2. That all owners of land within the affected territory have given their written consent to the reorganization and therefore, pursuant to California Government Code Section 56663 (c)(1), the City consents to LAFCO waiving the protest hearing.

3. That this Resolution of Application is hereby adopted and approved and Stanislaus County LAFCO is hereby requested to initiate proceedings for the reorganization of the territory described in Exhibit "A", attached hereto, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Reorganization Act of 2000.

4. That the Resolution of Application is consistent with the City of Modesto Urban Area General Plan, adopted by the Modesto City Council by Resolution No. 95-409 on August 15, 1995.

5. That the proposed Reorganization is covered by the City's General Plan Master Environmental Impact Report (EIR) (SCH#9205217), and the Final Focused EIR for the Empire North Unit One Specific Plan, and has received CEQA environmental review through an Initial Study, leading to a Finding of Conformance with the Empire North Unit One Specific Plan Focused EIR (SCH # 95122030).

BE IT FURTHER RESOLVED by the Council that pursuant to Government Code Section 56756, the City Clerk of the City of Modesto is hereby directed to file a certified copy of this resolution with the Executive Officer of LAFCO, and that pursuant to Government Code Section 56700, the Council hereby requests that LAFCO proceed with the reorganization of 24.4 acres of property within the Empire North Unit One Specific Plan to the City of Modesto, property located on the south side of Parker Road east of the Burlington Northern and Santa Fe Railroad north of Dry Creek.

The foregoing resolution was introduced at the regular meeting of the Council of the City of Modesto held on February 5, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

Ayes: Councilmembers: Fisher, Friedman, Smith, Mayor Sabatino

Noes: Councilmembers: Frohman, Serpa

Absent: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

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

Exhibit "A"

WRITTEN DESCRIPTION

August 24, 2001
Job No. 72-029

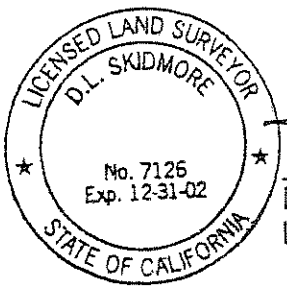
EXHIBIT "A"
MACHADO
REORGANIZATION TO THE CITY OF MODESTO

A portion of the Northeast Quarter of Section 19 and a portion of the Southeast Quarter of Section 18, Township 3 South, Range 10 East, Mount Diablo Meridian, situate in the County of Stanislaus, State of California, more particularly described as follows:

BEGINNING a the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 19 and having coordinate values of Northing = 2065609.177 and Easting = 6443748.769; thence 1) North 00°03'48" East, a distance of 20.00 feet to the North right-of-way line of Parker Road; thence 2) North 89°28'02" East along last said line, a distance of 26.67 feet to the West right-of-way line of Dewitt Road; thence 3) North 00°34'58" West along last said West right-of-way line, a distance of 30.00 feet to a point on the Westerly extension of the North right-of-way of said Parker Road; thence 4) North 89°28'02" East along last said extension and the North right-of-way line of Parker Road, a distance of 961.92 feet to an angle point in last said right-of-way line; thence 5) North 79°26'18" East along last said right-of-way line, a distance of 108.67 feet; thence 6) South 10°33'42" East, a distance of 70.00 feet to a point on the dividing line between said Sections 18 and 19; thence 7) North 89°28'02" East along the North line of said Section 19, a distance of 206.81 feet to the Northeast corner of said Section 19; thence 8) South 00°01'19" East along the East line of said Section 19, a distance of 70.00 feet to the center line of Dry Creek as shown on the Map filed in Volume 14 of Surveys at Page 31, Stanislaus County Records; thence along the center line of said Dry Creek the following fifteen (15) courses as shown on said map beginning with course No. 9; 9) South 80°35'57" West, 240.68 feet 10) South 62°49'11" West, 709.58 feet 11) South 36°33'36" West, 202.55 feet 12) South 16°32'49" West, 109.04 feet 13) South 13°10'31" East, 59.42 feet 14) South 29°29'42" East, 93.57 feet 15) South 49°50'31" East, 244.88 feet 16) South 07°51'10" East, 180.89 feet 17) South 24°16'01" West, 154.32 feet 18) South 00°07'42" West, 188.41 feet 19) South 32°20'37" West, 115.92 20) South 44°05'38" West, 97.56 feet 21) South 44°31'25" West, 200.15 feet 22) South 42°43'28" West, 233.18 feet 23) South 49°32'44" West, 99.68 feet to a point on the West line of the East half of the Northeast Quarter of said Section 19; thence leaving said center line of Dry Creek and proceeding 24) North 00°03'48" East along last said West line, a distance of 2040.63 feet to the POINT OF BEGINNING.

Containing 24.4 acres more or less.

This property description has been prepared by me, or under my direction in conformance with the Professional Land Surveyor's Act. The bearings, distances and coordinates are based on the California coordinate system, CCS83, Zone 3.



Dave L. Skidmore, L.S. 7126
License Expires 12/31/02
8/24/01

LEGAL-72029.WPD

Exhibit "B"

ANNEXATION PROPOSAL MAP

1/30/02/CDD/Patrick Kelly

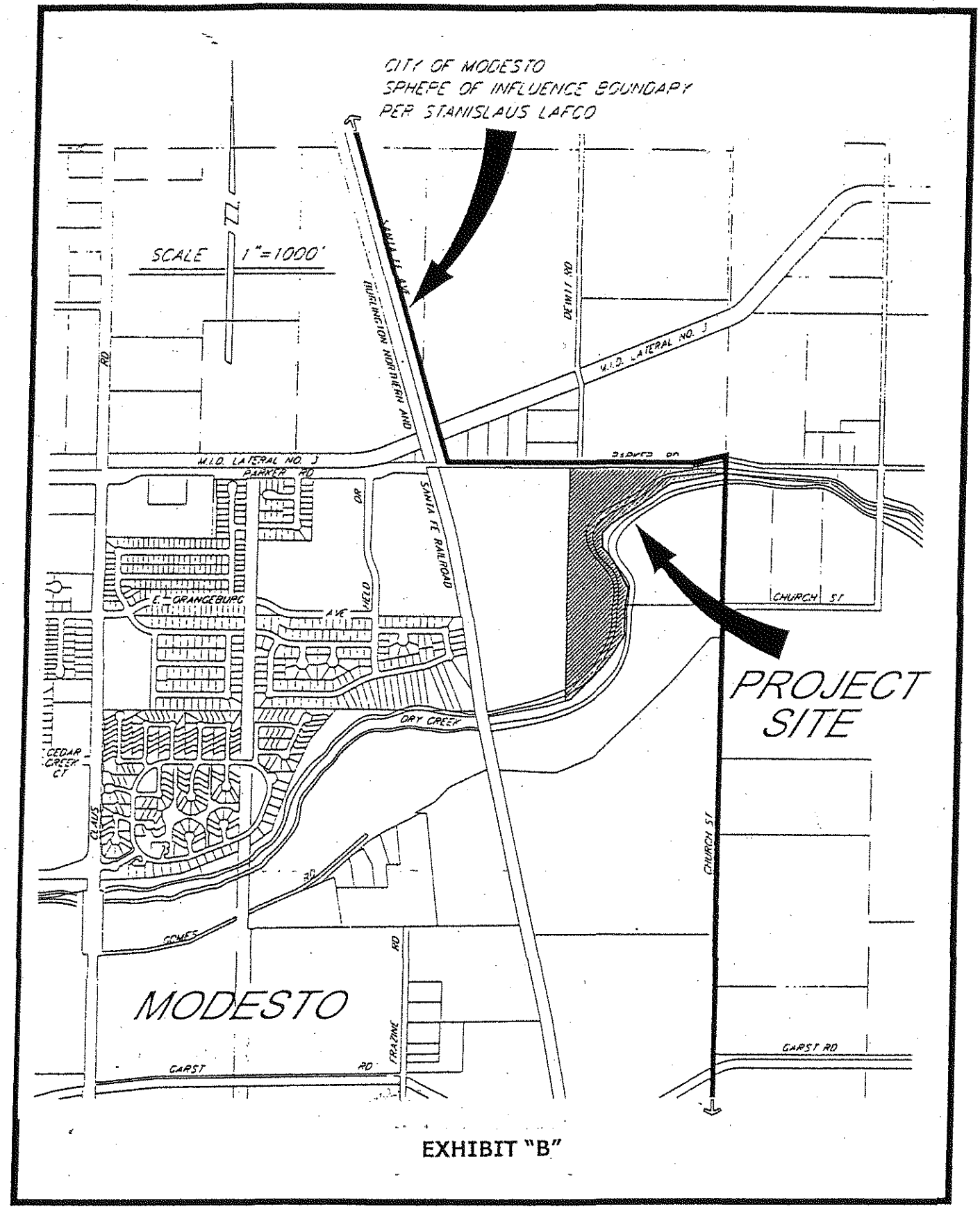


EXHIBIT "B"

MAP OF PROJECT AREA

Exhibit "C"

PLAN FOR SERVICE

EXHIBIT "C"

MACHADO REORGANIZATION
PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Machado Reorganization:

A. The project site is part of the Empire North Unit 1 Specific Plan adopted January 7, 1997 (City Council Resolution No. 97-4). As a requirement for approval, community facilities and services were analyzed in detail by the Empire North Unit 1 Specific Plan Final Focused EIR (SCH# 95122030). These services include traffic and circulation, waste water collection, water delivery, storm water drainage, solid waste disposal, energy, schools, parks, fire, police and other governmental services. The City of Modesto is a full-service municipal city and would provide the following services:

1. **Fire Protection** – Upon reorganization, the properties will be withdrawn from the Stanislaus Consolidated Fire Protection District and fire protection services will be provided by the Modesto Fire Department. Primary response will come from Station No. 9 located at 4025 Fara Biundo Drive.

2. **Police Protection** – Modesto City Police would assume responsibility for police protection upon effective date of annexation.

3. **Garbage and Garden Refuse Pickup** – Weekly pickup would be extended to the area upon effective date of annexation.

4. **Sanitary Sewer Service** – Sewer service can be provided to the annexation area from existing lines in the subdivision immediately west of the subject site. Service would be extended upon development of the area at no cost to the City, as existing City fees and property owner financing will be sufficient to cover the cost.

5. **Water Service** – Service would be provided by the City of Modesto upon annexation. Based on the City's 2000 Urban Water Management Plan, there are adequate and projected water supplies to serve the proposal. City water is available via a 12" line existing in Parker Road. This line would provide treated water and adequate fire flows to serve the subject property. City waster well No. 45 has a capacity of 1,100 GPM and can adequately serve the future development of the property.

6. **Streets** – Parker Road already exists along the site frontage. This street as well as future public streets will be the responsibility of the City.

B. **The level and range of services:**
The City of Modesto is a full service provider of municipal services and would provide the full range of services for those areas listed above.

C. **When can the services be provided?**
The above-described services can be provided upon the effective date of annexation.

D. **Improvements required as condition of reorganization.**
No improvements will be required as a condition of reorganization. Connection to the City of Modesto sewer system will be required five years from when sewer is available per Modesto Municipal Code Section 5-6.18. Improvements would be required as a condition of development.

E. **How will services be financed?**
Services will be financed through a combination of City fees and Enterprise Fund.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-57

A RESOLUTION FINDING THAT THE FOLLOWING PROJECTS ARE WITHIN THE SCOPE OF THE PROJECTS COVERED BY THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH 95122030) FOR THE EMPIRE NORTH UNIT 1 SPECIFIC PLAN 1) RESOLUTION OF APPLICATION TO STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION FOR A PROPOSED REORGANIZATION TO ANNEX 24.4 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF PARKER ROAD EAST OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD NORTH OF DRY CREEK WITHIN THE EMPIRE NORTH UNIT SPECIFIC PLAN AREA TO THE CITY OF MODESTO (MACHADO REORGANIZATION AREA); AND 2) ORDINANCE AMENDING A PORTION OF SECTIONS 18-3-10 AND 19-3-10 OF THE ZONING MAP TO PREZONE TO SPECIFIC PLAN-OVERLAY ZONE, (SP-O), 24.4 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF PARKER ROAD, EAST OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD, NORTH OF DRY CREEK

WHEREAS, on January 7, 1997, by Resolution No. 97-5, the City Council of the City of Modesto certified the Final Focused Environmental Impact Report ("EIR") (SCH No. 95122030) for the Empire North Unit 1 Specific Plan, and

WHEREAS, John J. and Judy A. Machado have proposed that the zoning designation for the 24.4 acres of property located on the south side of Parker Road east of the Burlington Northern and Santa Fe Railroad north of Dry Creek, be amended to prezone to Specific Plan-Overlay, (SP-O), to allow the property to be annexed to the City of Modesto, and

WHEREAS, the City of Modesto proposes to adopt a Resolution of Application to the Stanislaus County Local Agency Formation Commission for a proposed reorganization to annex the 24.4 acre property located on the south side Parker Road, east of the Burlington Northern and Santa Fe Railroad north of Dry Creek, and

WHEREAS, the proposed prezoning designation and the Resolution of Application are hereafter collectively referred to as "the Projects", and

WHEREAS, Section 21158 of the Public Resources Code, relating to reviewing subsequent projects for a Focused EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study EA/CDD 2001-73 reviewed the Projects to determine whether the

Projects are within the scope of the projects covered by the Empire North Unit 1 Specific Plan Final focused EIR, and

WHEREAS, the Initial Study EA/CDD 2001-73 was considered by the City Council at a duly noticed public hearing which was held on February 5, 2002, at 5:15 p.m., in the Tenth Street Place Chambers, 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it has reviewed and considered the Initial Study prepared for the proposed Projects, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That there are no substantial changes proposed in the projects which will require major revisions of the Empire North Unit 1 Specific Plan Final Focused EIR (SCH No. 95122030).

2. That there are no substantial changes occurring with respect to the circumstances under which the projects are being undertaken which will require major revisions in the Empire North Unit 1 Specific Plan Final Focused EIR.

3. That no new information, which was not known and could not have been known at the time the Empire North Unit 1 Specific Plan Final Focused EIR was certified as complete, has become available.

4. That the proposed project will have no new or significant effects on the environment that were not adequately identified and addressed in the Empire North Unit 1 Specific Plan Final Focused EIR.

5. That all feasible mitigation measures or feasible alternatives appropriate to the project, as set forth in the Empire North Unit 1 Specific Plan Final Focused EIR have been incorporated and that no new or additional mitigation measures or alternatives are required.

6. That the proposed Projects are within the scope of the projects covered by the Empire North Unit 1 Specific Plan Final Focused EIR.

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

The foregoing resolution was introduced at the regular meeting of the Council of the City of Modesto held on February 5, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

Ayes: Councilmembers: Fisher, Friedman, Smith, Mayor Sabatino

Noes: Councilmembers: Frohman, Serpa

Absent: Councilmembers: Conrad

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____

MICHAEL D. MILICH, City Attorney

Exhibit "A"

INITIAL STUDY
EA/CDD 2001-73

City of Modesto
Initial Study

Prezoning to SP-O, Specific Plan Overlay for the Empire North Unit 1 Specific Plan Area and Annexation of the subject property (John & Judy Machado)

EA/CDD 2001-73
October 24, 2001

I. PURPOSE

On January 7, 1997, the Modesto City Council certified the Final Focused Environmental Impact Report for the Empire North Unit 1 Specific Plan (SCH# 95122030). This Final Focused EIR analyzed the impacts of build-out of the Empire North Unit 1 Specific Plan, which includes the area in which this project is proposed.

Section 15182 of the CEQA Guidelines allows the Empire North Unit 1 Specific Plan Focused EIR to be used for subsequent projects, if the following findings can be made:

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.
B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The purpose of this Initial Study is to provide the substantial evidence for the above findings.

II. PROJECT DESCRIPTION

A. Project title:
Prezone to SP-O (Specific Plan Overlay)

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

C. Contact person and phone number:
Patrick Kelly, Community Development Department, (209) 577-5268

D. Project Location:
South side of Parker Road east of the Burlington Northern and Santa Fe Railroad tracks & Santa Fe Railroad tracks.

E. Project Sponsor:
John and Judy Machado, 1500 J Street, Modesto, CA 95354

F. General Plan Designation:
Village Residential (VR)

G. Current Zoning:
The site has no zoning designation. The application is to prezone the property SP-O (Specific Plan – Overlay)

H. Description of Proposed Project:
Annexation of the subject property totaling 24.4 acres and prezone the subject property to SP-O, as required by the Stanislaus LAFCO to the City of Modesto. The property is within the adopted Empire North Unit 1 Specific Plan area. The property is not commercially farmed, currently contains and existing rural residential home site.

I. Surrounding land uses:
The project is adjoined on the north and east by rural ranchettes and agricultural uses, to the south by Dry Creek and it's associated floodplain, and to the west by the Santa Fe Railroad, with single-family homes further west.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Empire North Unit 1 Specific Plan Final Focused EIR:

1. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages 3-1 through 3-11 of the Empire North Unit 1 Specific Plan Focused EIR. The prezoning and annexation would result in no new land uses that are not anticipated by the traffic analysis contained within the Focused EIR. Therefore, there would be no change to the traffic and circulation impacts analyzed in this section of the EIR. Thus, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the Focused EIR are, therefore, still valid.

2. Generation of Noise

Noise impacts are analyzed on pages 3-11 through 3-18 of the Empire North Unit 1 Specific Plan Focused EIR. Prezoning and annexation and the subsequent

development of residential uses, because they are uses consistent with the Empire North Unit 1 Specific Plan, will not affect an increase in projected noise generation for this area. The prezoning and annexation would result in no new land uses that are not anticipated by the Focused EIR. Thus, Existing Conditions, Impacts analysis and Mitigation Measures listed in the Focused EIR for Generation of Noise are, therefore, still valid.

3. Loss of Sensitive Plant and Wildlife Habitat

Impacts to sensitive plant and wildlife habitat are analyzed on pages 3-18 through 3-25 of the Empire North Unit 1 Specific Plan Focused EIR. The prezoning and annexation would result in no new land uses that are not anticipated in the Loss of Sensitive Plant and Wildlife Habitat Section contained within the Focused EIR. Thus, Existing Conditions, Impacts Analysis and Mitigation Measures listed in the Focused EIR for Loss of Sensitive Plant and Wildlife Habitat are, therefore, still valid.

4. Disturbance of Archaeological or Historical Sites

Disturbance of archaeological or historical sites is analyzed on pages 3-25 through 3-32 of the Empire North Unit 1 Specific Plan Focused EIR. The prezoning and annexation would result in no new land uses that are not anticipated by the Disturbance of Archaeological or Historical Sites analysis contained within the Focused EIR. Thus, Existing Conditions, Impacts Analysis and Mitigation Measures listed in the Focused EIR for Increased Demand for Disturbance of Archaeological or Historical Sites are, therefore, still valid.

5. Drainage, Flooding and Water Quality

Drainage, flooding and water quality are analyzed on pages 3-32 through 3-35 of the Empire North Unit 1 Specific Plan Focused EIR. The prezoning and annexation would result in no new land uses that are not anticipated by the Drainage, Flooding and Water Quality analysis contained within the Focused EIR. Thus, Existing Conditions, Impacts Analysis and Mitigation Measures listed in the Focused EIR for Increased Demand for Drainage, Flooding and Water Quality are, therefore, still valid.

6. Increased Demand for Parks and Open Space

Increased demand for parks and open space is analyzed on pages 3-35 through 3-39 of the Empire North Unit 1 Specific Plan Focused EIR. The prezoning and annexation would result in no new land uses that are not anticipated by the Demand for Parks and Open Space Analysis contained within the Focused EIR. Thus, Existing Conditions, Impacts analysis and Mitigation Measures listed in the

Focused EIR for Increased Demand for Parks and Open Space are, therefore, still valid.

7. Public Safety

Impacts to public safety are analyzed on pages 3-40 through 3-44 of the Empire North Unit 1 Specific Plan Focused EIR. The prezoning and annexation would result in no new land uses that are not anticipated by Public Safety analysis contained within the Focused EIR. Thus, Existing Conditions, Impacts Analysis and Mitigation Measures for Public Safety listed in the Focused EIR are, therefore, still valid.

8. Increased Demand for Schools

Increased demand for schools is analyzed on pages 3-45 through 3-48 of the Empire North Unit 1 Specific Plan Focused EIR. The prezoning and annexation would result in no new land uses that are not anticipated by Public Safety analysis contained within the Focused EIR. Thus, Existing Conditions, Impacts Analysis and Mitigation Measures for Increased Demand for Schools listed in the Focused EIR are, therefore, still valid.

B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report

The Empire North Unit 1 Specific Plan Focused EIR was certified by the Modesto City Council on January 7, 1997. In the period since then, there have been no significant changes to the surrounding area that were not already anticipated and analyzed by the Empire North Unit 1 Specific Plan Focused EIR. The only development occurring near this area is in the Village One Specific Plan, and that development was anticipated and analyzed in the Empire North EIR. Therefore, there has been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Empire North Unit 1 Specific Plan Focused EIR.

C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available

The Empire North Unit 1 Specific Plan Focused EIR was certified by the Modesto City Council on January 7, 1997. Since then, there is no new information, which was not known at the time the Empire North Unit 1 Specific Plan Focused EIR was certified, has become available, that would change the conclusions of the EIR.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Empire North Unit 1 Specific Plan Focused EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Empire North Unit 1 Specific Plan Focused EIR.

C. No new information, which was not known and could not have been known at the time the Empire North Unit 1 Specific Plan Focused EIR was certified as complete, has become available.

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

Patrick Kelly

Patrick Kelly, AICP
Principal Planner

10.24.01
Date

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-58

A RESOLUTION AUTHORIZING THE CITY MANAGER OR DEPUTY CITY MANAGER TO SUBMIT APPLICATIONS AND GRANT RELATED DOCUMENTS FOR ALL GRANTS AVAILABLE FROM THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD AND RECINDING RESOLUTION NO. 98-287.

WHEREAS, the State of California collects fees which provide funds to cities and counties for establishing and maintaining solid waste programs throughout the state, and

WHEREAS, the California Integrated Waste Management Board has the responsibility for the administration of the solid waste programs within the state and setting up necessary procedures governing application by cities and counties under these programs, and

WHEREAS, to simplify the application process, the California Integrated Waste Management Board allows jurisdictions to adopt a single resolution authorizing a designated official to execute and submit applications and related documents for such funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or Deputy City Manager are hereby authorized to execute and submit applications and grant related documents for all solid waste related grants available through the State of California.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that this resolution shall remain in full force and effect until rescinded by the City Council.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 98-287 is hereby rescinded.

RESCINDED

12-14-2004

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2004-669

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-59

A RESOLUTION AUTHORIZING THE CITY MANAGER OR DEPUTY CITY MANAGER TO SUBMIT APPLICATIONS AND GRANT RELATED DOCUMENTS FOR ALL GRANTS AVAILABLE FROM THE CALIFORNIA DEPARTMENT OF CONSERVATION

WHEREAS, the State of California collects fees which provide funds to cities and counties for establishing and maintaining solid waste programs throughout the state, and

WHEREAS, the California Department of Conservation has the responsibility for the administration of beverage container recycling programs within the state and setting up necessary procedures governing application by cities and counties under these programs, and

WHEREAS, to simplify the application process, California Department of Conservation allows jurisdictions to adopt a single resolution authorizing a designated official to execute and submit applications and related documents for such funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or Deputy City Manager are hereby authorized to execute and submit applications and grant related documents for all beverage container recycling grants available through the State of California.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that this resolution shall remain in full force and effect until rescinded by the City Council.

RESCINDED

12-14-2004

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2004-669 A

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-60

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF RICHARD ALMANZA FROM THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE AND THE ECONOMIC DEVELOPMENT LOAN COMMITTEE

WHEREAS, Richard Almanza was appointed a member of the Citizens Housing & Community Development Committee on January 2, 1996 and the Economic Development Loan Committee on February 2, 2000; and

WHEREAS, Richard Almanza has tendered his resignation from the aforementioned committees, effective January 24, 2002; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Richard Almanza from the Citizens Housing & Community Development Committee and the Economic Development Loan Committee be, and hereby is accepted with regret.

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

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-61

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF RANDY CLARK FROM THE COMMUNITY QUALITIES FORUM, EFFECTIVE FEBRUARY 12, 2002

WHEREAS, RANDY CLARK was appointed a member of the Community Qualities Forum on July 21, 1998; and

WHEREAS, RANDY CLARK has tendered his resignation from the Community Qualities Forum, effective February 12, 2002; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of RANDY CLARK from the Community Qualities Forum be, and hereby is accepted with regret.

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

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-62

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JUDY KENYON FROM THE COMMUNITY QUALITIES FORUM, EFFECTIVE FEBRUARY 12, 2002

WHEREAS, JUDY KENYON was appointed a member of the Community Qualities Forum on January 23, 1996; and

WHEREAS, JUDY KENYON has tendered his resignation from the Community Qualities Forum, effective February 12, 2002; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of JUDY KENYON from the Community Qualities Forum be, and hereby is accepted with regret.

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

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-63

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF LEE STURGILL FROM THE COMMUNITY QUALITIES FORUM, EFFECTIVE FEBRUARY 12, 200 2

WHEREAS, LEE STURGILL was appointed a member of the Community Qualities Forum on October 17, 2000; and

WHEREAS, LEE STURGILL has tendered his resignation from the Community Qualities Forum, effective February 12, 2002; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of LEE STURGILL from the Community Qualities Forum be, and hereby is accepted with regret.

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

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-64

A RESOLUTION SUPPORTING THE PASSAGE OF PROPOSITION 42, THE TRANSPORTATION CONGESTION IMPROVEMENT ACT, IN THE MARCH 2002 ELECTIONS

WHEREAS, Proposition 42, the Transportation Congestion Improvement Act, has qualified for the March 5, 2002, statewide ballot and

WHEREAS, on August 14, 2001, the Modesto City Council adopted Resolution 2001-432, the 2001 Legislative Platform, and

WHEREAS, Proposition 42 supports the City of Modesto's 2001 Legislative Platform Action 8.1.b "Support legislation that provides that revenue collected from sales taxes on gasoline is used solely for the purpose of operating and maintaining the street and highways network throughout the state," and

WHEREAS, on October 23, 2001, the Modesto City Council adopted the 2001-2004 Strategic Plan, and

WHEREAS, Proposition 42 supports Strategic Plan Item III.B.2 "Address transportation funding issues," and

WHEREAS, on January 17, 2002, the City of Modesto's Transportation Policy Committee requested that City Council hear staff recommendations in support of Proposition 42.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby supports Proposition 42, the Transportation Congestion Improvement Act, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-65

A RESOLUTION AMENDING THE CAPITAL IMPROVEMENTS BUDGET TO RECOGNIZE ADDITIONAL REVENUE FROM THE SEWER FUND RESERVE TO FUND A CLAIM SETTLEMENT FILED BY RUTHERFORD AND SMITH CONSTRUCTION, INC. FOR CONSTRUCTION OF THE "RANCH CANNERY PUMP STATION AND FORCEMAIN" PROJECT.

WHEREAS, on August 25, 1998, the City Council awarded a $3,428,570.00 contract to Rutherford and Smith Construction, Inc. for the project entitled "Construction of Ranch Cannery Pump Station and Forcemain", and

WHEREAS, the Contractor filed an epoxy coating claim in the amount of $46,935.51 for additional construction costs related to the installation of the epoxy coating in the mixing box and pump station wet well structures, and

WHEREAS, on September 5, 2000, City Council accepted the improvements entitled "Construction of Ranch Cannery Pump Station and Forcemain", and

WHEREAS, the Contractor filed for claim resolution through binding arbitration, and

WHEREAS, City Council approved the claim settlement in closed session,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current capital improvement budget for the "Ranch Cannery Pump Station and Forcemain" project, account number 621-440-K731, to increase the amount of revenue in the amount of $46,400 transferred from Sewer Fund Reserves, account number 6210-800-8000-8003, to increase the budgeted amount for construction by $46,400.

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-66

A RESOLUTION AWARDING THE BID FOR TWELVE (12) MODEL 170E CONTROLLER ASSEMBLIES WITH 332 CABINET TO TRAFFIC SAFETY SUPPLY INC., OF DUBLIN, CALIFORNIA IN THE AMOUNT OF $69,192.45

WHEREAS, the Engineering and Transportation Department has requested the purchase of twelve (12) Model 170E Controller Assemblies with 332 Cabinet to be used for traffic signal installation, and

WHEREAS, Resolution 2001-602 authorized the solicitation of bids for twelve (12) 170E Controller Assemblies with 332 Cabinets, and

WHEREAS, the Engineering and Transportation Department is responsible for maintaining and installing new traffic signal equipment at Standiford/Shawnee and for traffic signal modifications at K-Street and 9th, and

WHEREAS, out of eight (8) vendors solicited, six (6) chose to respond to the Request for Bids, and

WHEREAS, Traffic Safety Supply Inc. of Dublin, California, was determined to be the lowest responsive and responsible bidder, with a bid amount of $69,192.45,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby awards the bid for twelve (12) Model 170E Controller Assemblies with 332 Cabinets to Traffic Safety Supply Inc. of Dublin, California in the approximate amount of $69,192.45.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to issue a purchase order to Traffic Safety Supply Inc., for the equipment.

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-67

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO SOLICIT A REQUEST FOR BIDS FOR FUEL CARD LOCK SERVICES, BULK FUEL AND LUBRICANTS

WHEREAS, the Fleet Services Division of the Operations and Maintenance Department - Water Division has requested the purchase of fuel card lock services, bulk fuel and lubricants, and

WHEREAS, the existing fuel card lock services, bulk fuel and lubricants contract has expired, and

WHEREAS, the term on any agreement reached as part of this process will be for three (3) years, with the City reserving the right to extend the agreement for up to two (2) additional years, and

WHEREAS, by soliciting formal bids for fuel card lock services, bulk fuel and lubricants, the Finance Department - Purchasing Division will comply with Modesto Municipal Code Section 8-3.204 formal bid procedures, thereby obtaining the best value for the City,

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for fuel card lock services, bulk fuel and lubricants to be opened in the office of the City Clerk, 1010 10th Street, in the City of Modesto. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form and manner provided by law.

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

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-68

A RESOLUTION CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE SPECIAL TAX TO THE QUALIFIED ELECTORS OF THE TERRITORY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 2000-2 (COFFEE-CLARATINA, ANNEXATION #1)

WHEREAS, this Council did, on January 8, 2002, adopt its Resolution No. 2002-24 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory (the "Annexed Territory") to its Community Facilities District No. 2000-2 (the "District") in order to finance certain services (the "Services") and to authorize the levy of a special tax (the "Special Tax") within the Annexed Territory, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

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

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

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

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation of territory and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, including all interested persons or taxpayers for or

against the proposed annexation of territory and the levy of the Special Tax therein were heard and considered, and a full and fair hearing was held thereon, and

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

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

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

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

1. SECTION . The foregoing recitals are true and correct.

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

3 SECTION . The proposed annexation of territory and the levy of the Special Tax therein have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

4 SECTION . (a) The Services to be financed by the Annexed Territory are set forth in EXHIBIT A attached hereto and incorporated by this reference, including expenses incidental

thereto as authorized by Section 53313 of the Act. The Services are governmental services which the City is authorized by law to provide to the extent that they are in addition to those provided in the Annexed Territory before the territory was annexed to the District.

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

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

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

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

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

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

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

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

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

The Election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws. Receipt by the City Clerk of this Resolution, a certified map of sufficient scale and clarity to show the boundaries of the Annexed Territory and a sufficient description to allow the City Clerk to determine the boundaries of the Annexed

Territory within three business days after the adoption of this Resolution shall be conclusively evidenced by the signature of the City Clerk on the certificate of adoption relating to this Resolution.

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

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

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

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

1. Cause to be printed the requisite number of official ballots, tally sheets and other necessary forms;

2. Furnish and address to mail or personally deliver the official ballots to the qualified electors of the Annexed Territory;

3. Cause the official ballots to be mailed or personally delivered, as required by law;

4. Receive the returns of the Election and supplies;

5. Sort and assemble the election material and supplies in preparation for the canvassing of the returns;

6. Canvass the returns of the Election;

7. Furnish a tabulation of the number of votes given in the Election;

8. Make all arrangements and take the necessary steps to pay all costs of the election incurred as a result of services performed for the Annexed Territory and pay costs and expenses of all election officials; and

9. Conduct and handle all other matters relating to the proceedings and conduct of the Election in the manner and form as required by law.

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

14 SECTION . The City Clerk, in accordance with Sections 3114.5 and 3117.5 of the Streets and Highways Code, shall record an amendment to the Notice of Special Tax Lien

originally recorded pursuant to Section 3114.5 of the California Streets and Highways Code in the office of the County Recorder of the County of Stanislaus as Document No. 2000-0109555-00 on December 22, 2000.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CITY OF MODESTO
COFFEE-CLARATINA
COMMUNITY FACILITIES DISTRICT NO. 2000-2

CFD REPORT

November 13, 2000

Prepared For:

CITY OF MODESTO

Prepared By:

DAVID TAUSSIG &ASSOCIATES, INC.
425 University Avenue, Suite 110
Sacramento, California 95825
(916) 920-1109

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III. **Description of Services and Expenses to be Funded by CFD No. 2000-2** 2

APPENDICES:

Appendix A: CFD Boundary Map
Appendix B: Calculation of Maximum Special Tax
Appendix C: Rate and Method of Apportionment of Special Tax
Appendix D: Services to be Funded by CFD 2000-2

I. *INTRODUCTION*

The Coffee-Claratina site is located within a "Comprehensive Planning District (CPD)", which, pursuant to the City of Modesto General Plan, necessitates adoption of a specific plan prior to development within the area. The Coffee-Claratina Specific Plan was adopted by the Modesto City Council setting forth a plan for development which includes 130 acres designated for a maximum of 1,000 residential dwelling units, 40 acres designated "Regional Commercial", and 15 acres of "Mixed Community Commercial" development. The Coffee-Claratina CPD is located on the south side of Claratina Avenue, bound by Coffee Road on the east, McHenry Avenue on the west, and the Modesto City limits to the south.

Tentative maps approved for development within the Specific Plan area require, as a condition of development, that the property be included within a Mello-Roos Community Facilities District (CFD) to fund maintenance of median, bikeway, round-about and miscellaneous planting areas. In addition, the CFD will generate funding for maintenance and repair of a storm drain basin and dual-use flood control/recreation facility.

II. *STRUCTURE OF COMMUNITY FACILITIES DISTRICT NO. 2000-2*

A. Introduction

A Mello-Roos CFD may provide for the purchase, construction, expansion or rehabilitation of any real or tangible property, including public facilities and infrastructure improvements, with an estimated useful life of five (5) years or longer, which is necessary to meet increased demands placed upon local agencies as a result of development or rehabilitation occurring within the CFD. In addition, a CFD may pay for various public services and maintenance of public improvements, including parkways and open space.

The Resolution of Intention to Establish CFD No. 2000-2 was adopted by the City Council on October 17, 2000. After a public hearing and a successful election by the landowners within the CFD, the CFD will be formed and the levy of a special tax will be authorized.

B. Boundaries of Coffee-Claratina CFD

The initial boundaries of the CFD include six assessor's parcels and a total of 78.10 gross acres. Nine additional assessor's parcels are anticipated to annex into CFD No. 2000-2 when development is triggered on the parcels; ultimately, the CFD will include approximately 131 gross acres and an estimated 78 net developable acres. A copy of the boundary map for CFD No. 2000-2 is included as Appendix A of this CFD Report. Appendix B identifies the assessor's parcels that are ultimately expected to be included with the boundaries of CFD No. 2000-2 and the maximum special tax that can be collected within the CFD based on the estimated net developable acreage of these parcels.

C. CFD Special Tax Structure

Each year a special tax will be levied and collected from parcels within the CFD to pay costs associated with the maintenance and repair of a storm drain basin and a dual-use flood control/recreation facility, and the ongoing maintenance of median, bikeway, round-about and miscellaneous planting areas within the Specific Plan. The Rate and Method of Apportionment of Special Tax ("RMA"), which describes in detail how the tax will be allocated among properties in the CFD, is included as Appendix C of this report.

As explained in the RMA, an "Annual Special Tax" will be levied to pay for authorized maintenance expenses, in an amount not to exceed $2,468 per acre in fiscal year 2001-02 dollars. This maximum tax will escalate each year by applying the greater of (i) the percentage increase, if any, in the Engineering News Record construction cost index for the San Francisco region for the prior twelve month period, or (ii) four percent. The Annual Special Tax will first be levied on "Developed Property", which is defined, for a particular fiscal year, as any parcel for which a final building permit inspection was conducted or certificate of occupancy issued by June 1 of the preceding fiscal year. After the maximum Annual Special Tax has been collected from Developed Property, the remaining amount needed for authorized expenses in the fiscal year will be collected from "Undeveloped Property", which includes all parcels that have not had a final building permit inspection conducted or certificate of occupancy issued.

In addition to the Annual Special Tax, an "Annexation One-Time Special Tax" will be collected from all parcels that annex into CFD No. 2000-2 in future fiscal years. The Annexation One-Time Special Tax will be calculated pursuant to the formula set forth in Section E of the RMA and will be collected to reimburse the landowner who made the initial deposit to the City to pay the costs of forming CFD No. 2000-2. The Annexation One-Time Special Tax must be paid prior to approval by the City Council of the resolution approving the annexation.

III. DESCRIPTION OF SERVICES AND EXPENSES TO BE FUNDED BY CFD NO. 2000-2

The individual line-item service costs to be funded by CFD No. 2000-2 are identified in Appendix D of this report.

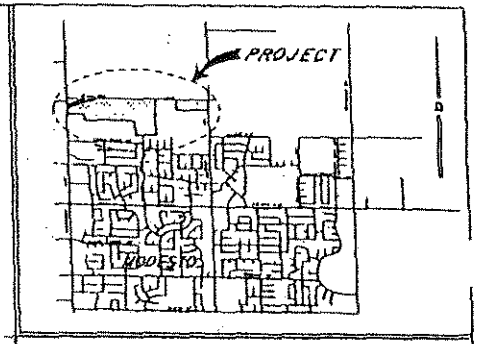
APPENDIX A

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2
OF THE CITY OF MODESTO

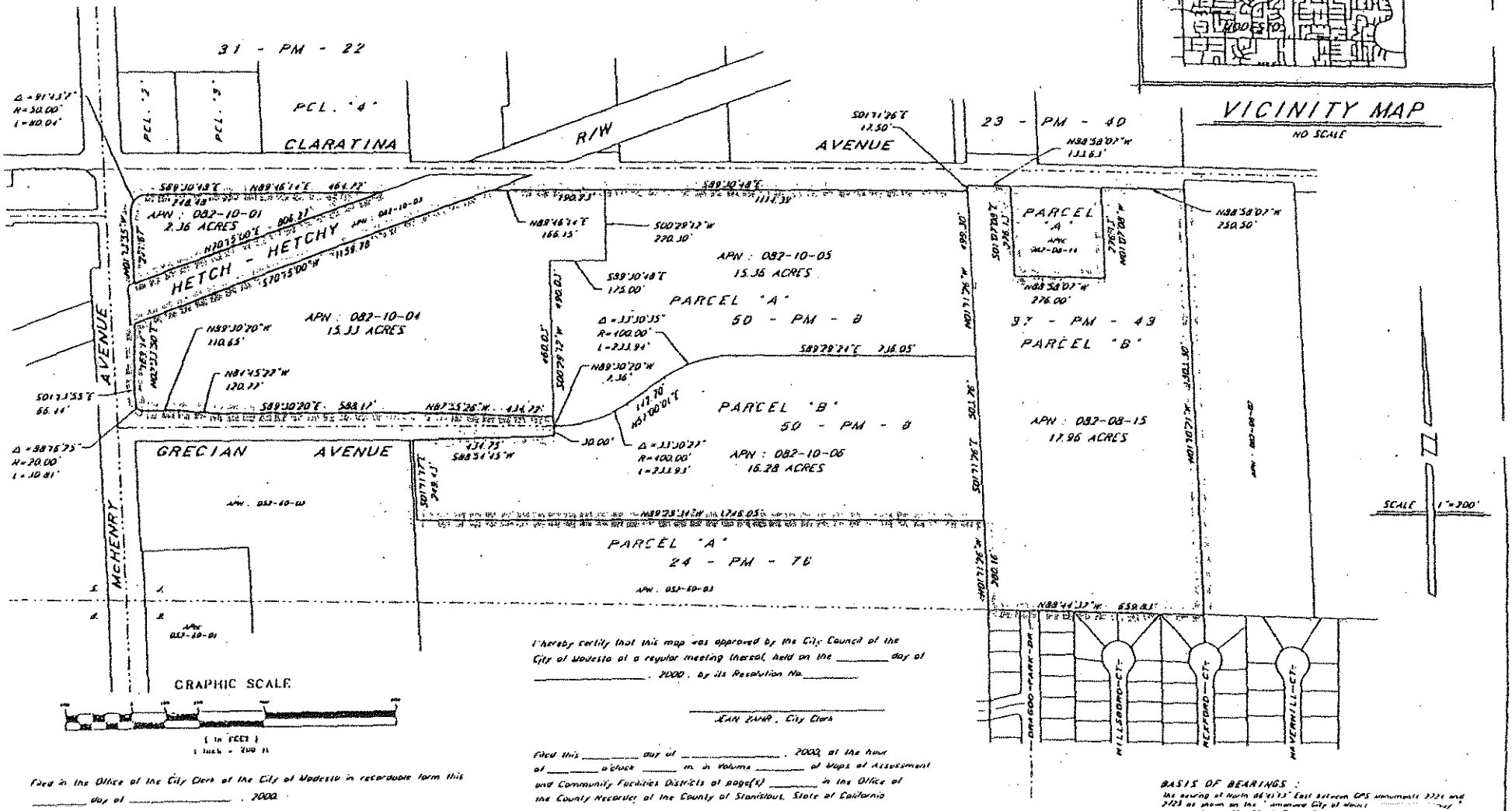
CFD BOUNDARY MAP

COFFEE-CLARATINA CFD NO. 2000-2

PROPOSED BOUNDARIES OF CFD DISTRICT NO. 2000-2
CITY OF MODESTO, COUNTY OF STANISLAUS
STATE OF CALIFORNIA



VICINITY MAP
NO SCALE



GRAPHIC SCALE

(in FEET)
1 inch = 200 ft

I hereby certify that this map was approved by the City Council of the City of Modesto at a regular meeting thereof, held on the _____ day of _____, 2000, by its Resolution No. _____

_____
JEAN FAHR, City Clerk

Filed this _____ day of _____, 2000, at the hour of _____ o'clock _____ m. in Volume _____ of Maps of Assessment and Community Facilities Districts at page(s) _____ in the Office of the County Recorder of the County of Stanislaus, State of California

_____
JEAN FAHR, City Clerk

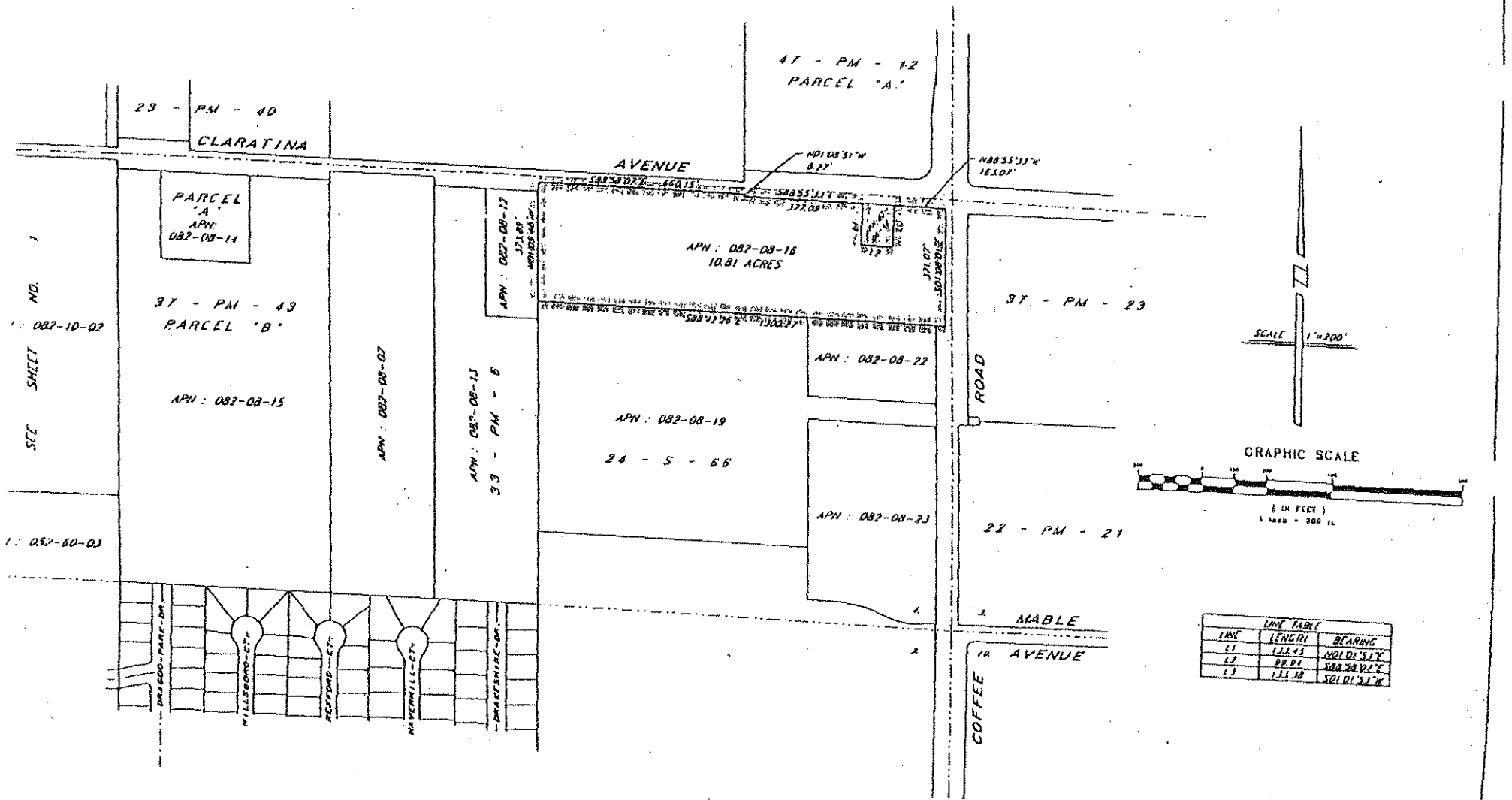
Filed in the Office of the City Clerk of the City of Modesto in recordable form this _____ day of _____, 2000.

_____
JEAN FAHR, City Clerk

BASIS OF BEARINGS :
The bearing of North 66°13'13" East between GPS monuments 2721 and 2723 as shown on the "Amended City of Modesto Control Survey" recorded March 30, 1995 in Book 37 of Surveys, Stanislaus County Records, was used as the basis for all bearings shown hereon.

COFFEE-CLARATINA CFD NO. 2000-2

PROPOSED BOUNDARIES OF CFD DISTRICT NO. 2000-2
CITY OF MODESTO, COUNTY OF STANISLAUS
STATE OF CALIFORNIA



LINE TABLE		
LINE	LENGTH	BEARING
L1	133.43	N01°08'51"E
L2	99.84	S88°38'02"E
L3	133.38	S01°08'51"W

APPENDIX B

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2 OF THE CITY OF MODESTO

CALCULATION OF MAXIMUM SPECIAL TAX

CITY OF MODESTO
COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2

CALCULATION OF MAXIMUM ANNUAL SPECIAL TAX

Cost Estimates	
Annual Maintenance Costs (2000 $) (including 10% administration)	$182,462

Maximum Tax Calculation	
Maximum Annual Special Tax (FY 2001-02) /1	$2,467.12 per acre

Acreage Within CFD

APN	Net Developable Acreage/2
082-10-01	2.37
082-10-03	0.00
082-10-04	14.36
082-10-05	10.01
082-10-06	12.32
082-08-02	1.98
082-08-12	1.20
082-08-13	3.34
082-08-14	1.35
082-08-15	4.08
082-08-16	7.55
082-08-18	0.00
082-08-19	11.65
082-08-22	2.14
082-08-23	5.50
Net Developable CFD Acreage	77.85
Buffer for Maximum Tax Calculation	5.00%
Estimated Net Taxable Acreage in CFD	73.96

1. The maximum Annual Special Tax will escalate each year at the greater of (i) the percentage increase in the ENR Index for the San Francisco region, or (ii) four percent.

2. Source: Benchmark Engineering, Inc.

APPENDIX C

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2 OF THE CITY OF MODESTO

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

CITY OF MODESTO
COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A special tax applicable to each Assessor's Parcel in Coffee-Claratina Community Facilities District No. 2000-2 (herein "CFD No. 2000-2") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2000-2, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2000-2 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

"Annual Special Tax" means a special tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement.

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

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

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2000-2.

"Developed Property" means, in any Fiscal Year, all Taxable Property for which a final building permit inspection was conducted or a certificate of occupancy issued prior to June 1 of the preceding Fiscal Year.

"District Administrator" means the individual(s) designated by the City Council to administer the CFD in accordance with the authority and powers granted by the City Council to said individual(s).

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

"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year to (i) pay for authorized maintenance expenses, (ii) pay administrative expenses of CFD No. 2000-2, (iii) cure any delinquencies in the payment of Annual Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Annual Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected, and (iv) maintain a reasonable reserve, as determined by the District Administrator, for unforeseen expenses, cost overruns, etc.

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

"Proportionately" means, for Developed Property, that the ratio of the actual Annual Special Tax levied in any Fiscal Year to the Maximum Annual Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual Annual Special Tax to the Maximum Annual Special Tax is equal for all Assessor's Parcels of Undeveloped Property.

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

"Taxable Property" means all of the Assessor's Parcels within the boundaries of CFD No. 2000-2 which are not exempt from the Annual Special Tax pursuant to law or Section E below.

"Undeveloped Property" means, in any Fiscal Year, all Taxable Property that is not Developed Property.

B. CATEGORIZATION OF PARCELS

Each Fiscal Year, the District Administrator shall identify the current Assessor's Parcel number for each Assessor's Parcel within the CFD, and shall categorize each Parcel of Taxable Property as Developed Property or Undeveloped Property. The District Administrator shall also identify the current Acreage of each Parcel by reference to the Stanislaus County Assessor's Parcel Maps.

C. MAXIMUM ANNUAL SPECIAL TAX

The Maximum Annual Special Tax for all Parcels of Taxable Property within CFD No. 2000-2 for Fiscal Year 2001-02 is $2,468 per Acre. Beginning in January 2002, the Maximum Annual Special

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

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

Each Fiscal Year, the District Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Special Tax shall then be levied on all Parcels of Taxable Property as follows:

Step 1: The Annual Special Tax shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Annual Special Tax for Taxable Property for such Fiscal Year determined pursuant to Section C;

Step 2: If additional revenues are needed to meet the Maintenance Special Tax Requirement after Step 1, the Annual Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Special Tax for Taxable Property for such Fiscal Year determined pursuant to Section C.

The Annual Special Tax for CFD No. 2000-2 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes provided, however, that CFD No. 2000-2 may (under the authority of Government Code Section 53340) in any particular case bill the taxes directly to the property owner, off the County tax roll, and the Annual Special Tax will be equally subject to foreclosure if delinquent.

E. ANNEXATION ONE-TIME SPECIAL TAX

A one-time Special Tax shall be levied on property that annexes into CFD No. 2000-2 after the CFD is formed. This "Annexation One-time Special Tax" shall be used to reimburse the landowner who made the initial deposit to the City to cover the costs of forming the CFD. The Annexation One-time Special Tax shall be calculated for each annexing property as follows:

Step 1. Add the estimated net developable acres for the annexing property to the estimated net developable acreage for property already within the CFD at the time of annexation;

Step 2. Divide the net developable acres within the annexation area by the sum determined in Step 1 to determine the annexing property's share of the total net developable acreage within the CFD;

Step 3. Multiply the quotient determined in Step 2 by either (i) $64,500 in 2000 dollars, which shall increase on January 1, 2001 and on each January 1 thereafter by applying the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) such lower number as shall be determined by the City as the amount that was actually expended to cover the costs of formation of CFD No. 2000-2.

The Annexation One-time Special Tax must be paid prior to approval by the City Council of the resolution approving the annexation. If for any reason the Annexation One-time Special Tax has not been paid for property that has been annexed into the CFD, the Annexation One-time Special Tax shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the City Council adopted the resolution approving the annexation and on the first day of each month thereafter. Any such delinquent special taxes shall, at the City's discretion, be placed on the next secured property tax roll along with the Annual Special Tax levied pursuant to Section D above. The amount placed on the roll shall include the 10% penalty and interest charges through the following December 1.

F. LIMITATIONS

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

G. ENFORCEMENT

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

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APPENDIX D

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2 OF THE CITY OF MODESTO

DETAIL OF EXPENSES TO BE FUNDED BY CFD

Coffee-Claratina CFD No. 2000-2

Overview - Storm Drain Basin Expenses

Description	Annual Expense
Specific Plan Area	
Median Plantings (25,396 s.f. @ $.61 + 20% contingency)	$ 18,589.87
Bikeway Plantings (36,167 s.f. @ $.61 + 20% contingency)	$ 26,474.24
Round About Plantings (1,591 s.f. @ $.61 + 20% contingency)	$ 1,164.61
Back Up Lot Plantings (2,849 s.f. @ $.61 + 20% contingency)	$ 2,085.47
MID power costs ($20/mo. per location * 6 locations * 12 mos.)	$ 1,440.00
West Basin	
Crew Leader (12 one-hour visits @ $20.73/hr + 32% benefits)	$ 328.36
Supervisor (4 one-hour visits @ $26.02/hr + 32% benefits)	$ 137.39
Superintendent (2 one-hour visits @ $33.23/hr + 32% benefits)	$ 87.73
Equipment	
1/2 Ton Full Size Pick-Up - Crew Leader (12 hrs x $2.37)	$ 28.44
1/2 Ton 4/4 Full Size Pick-up - Supervisor (4 hrs x $2.50)	$ 10.00
1/2 Ton Full Size Pick-Up - Superintendent (2 hrs hrs x $2.37)	$ 4.74
Fence Repair	$ 1,000.00
Maintenance - interior of basin	$ 1,500.00
Annual lab tests	$ 1,200.00
Silt excavation, erosion repair for annual improvement maintenance to basin	$ 9,000.00
Maintenance of landscaping (at build-out) *(includes monthly water charges)*	$ 11,807.51
East Basin	
Crew Leader (12 one-hour visits @ $20.73/hr + 32% benefits)	$ 328.36
Supervisor (4 one-hour visits @ $26.02/hr + 32% benefits)	$ 137.39
Superintendent (2 one-hour visits @ $33.23/hr + 32% benefits)	$ 87.73
Equipment	
1/2 Ton Full Size Pick-Up - Crew Leader (12 hrs x $2.37)	$ 28.44
1/2 Ton 4/4 Full Size Pick-up - Supervisor (4 hrs x $2.50)	$ 10.00
1/2 Ton Full Size Pick-Up - Superintendent (2 hrs hrs x $2.37)	$ 4.74
Fence Repair	$ 1,000.00
Maintenance - interior of basin	$ 1,500.00
Annual lab tests	$ 1,200.00
Silt excavation, erosion repair for annual improvement maintenance to basin	$ 9,000.00
Maintenance of landscaping (9.5 acres @ $8,181/acre) *(includes monthly water charges)*	$ 77,719.50
Administration (10% of total cost)	$ 16,587.45

TOTAL $ 182,461.97

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-69

A RESOLUTION APPOINTING GAYLORD BOYER TO THE AIRPORT ADVISORY COMMITTEE

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

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

SECTION 1. Gaylord Boyer is hereby appointed to the Airport Advisory Committee, representing non-provider user/general aviation side, with term expiration of January 1, 2006.

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

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-70

A RESOLUTION APPOINTING GENE CARHART AND MARK HEINZINGER TO THE COMMUNITY QUALITIES FORUM

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

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

SECTION 1. Gene Carhart and Mark Heinzinger are hereby appointed to the Community Qualities Forum with a term expiration of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Community Qualities Forum, and the Secretary thereof.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-71

A RESOLUTION APPOINTING JOANN GEE, EDWIN LOPES AND BRIAN CARSON TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION

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

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

SECTION 1. Joann Gee with a term expiration of January 1, 2004, Edwin Lopes with a term expiration of January 1, 2005, and Brian Carson with a term expiration of January 1, 2006, are hereby appointed to the Equal Opportunity/Disability Commission.

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

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-72

A RESOLUTION APPOINTING LAURA NORWOODTO THE HOUSING REHABILITATION LOAN COMMITTEE

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

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

SECTION 1. Laura Norwood is hereby appointed to the Housing Rehabilitation Loan Committee, representing the Stanislaus County Housing Authority, with term expiration of January 1, 2005.

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

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-73

A RESOLUTION REAPPOINTING DWIGHT BATEMAN, SCOTT HALLMON AND EDWIN PENFOLD TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION

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

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

SECTION 1. Dwight Bateman, Scott Hallmon and Edwin Penfold are hereby reappointed to the Equal Opportunity/Disability Commission with term expirations of January 1, 2006.

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-74

A RESOLUTION REAPPOINTING RICARDO CORDOVA TO THE HOUSING REHABILITATION LOAN COMMITTEE

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

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

SECTION 1. Ricardo Cordova is hereby reappointed to the Housing Rehabilitation Loan Committee with a term expiration of January 1, 2006.

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-75

A RESOLUTION REAPPOINTING JEROME BEAMISH, WILLIAM STEWART AND THOM TORVEND TO THE LANDMARK PRESERVATION COMMISSION

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

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

SECTION 1. Jerome Beamish, William Stewart and Thom Torvend are hereby reappointed to the Landmark Preservation Commission with term expirations of January 1, 2006.

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

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-76

A RESOLUTION REAPPOINTING ALITA ROBERTS TO THE CITIZENS REDEVELOPMENT ADVISORY COMMISSION

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

SECTION 1. Alita Roberts, as representative of the Planning Commission, is hereby reappointed to the Citizens Redevelopment Advisory Commission with a term expiration of January 1, 2003.

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, Agency Secretary

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-77

A RESOLUTION ESTABLISHING A POLICY FOR THE USE OF CELL PHONES BY MEMBERS OF THE MODESTO CITY COUNCIL.

WHEREAS, the City Council does not now have a policy with respect to the use of City owned cell phones by members of the City Council, and

WHEREAS, the City Council hereby finds and determines that it is in the public interest for the City Council to adopt such a policy,

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

SECTION 1. Every member of the Modesto City Council may use a City cellular telephone upon request. The request shall be made to the City Manager. The City and not the Councilmember will purchase the cellular telephone. The Purchasing Division of the Finance Department will be utilized to ensure that the purchase of each such cellular telephone is cost effective and that subsequent maintenance charges are reasonable.

SECTION 2. If the phone is damaged, lost, or fails to work properly, the Councilmember will notify the City Manager's office immediately. In case of theft, the Watch Commander of the Modesto Police Department shall be notified immediately. The Councilmember assigned to the phone is responsible for its security. If repair or replacement of a phone is necessary, the Councilmember should notify the City Manager who shall then notify the Purchasing Division of the Finance Department to make arrangements for the repair or replacement. Each Councilmember who is issued a phone is responsible for the maintenance and care of the phone and any ancillary equipment.

RESCINDED

8-8-2002

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2002-391

SECTION3. Any such cellular telephone provided to a Councilmember is to be used for official City business only. Notwithstanding that cellular telephones issued to Councilmembers are provided primarily for City business, it is recognized that occasional use to send or receive personal calls may occur. It shall be the responsibility of each Councilmember to review monthly bills to identify personal calls and to also maintain a record of all personal calls received. Councilmembers who use or have access to a City cellular phone pursuant to this policy shall reimburse the City promptly for any personal use.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-78

A RESOLUTION ACCEPTING THE PROJECT TITLED "INSTALLATION OF TRAFFIC SIGNALS AT OAKDALE ROAD AND MABLE AVENUE, COFFEE ROAD AND MABLE AVENUE, AND AT HATCH ROAD AND USTICK AVENUE" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Installation of Traffic Signals at Oakdale Road and Mable Avenue, Coffee Road and Mable Avenue, and at Hatch Road and Ustick Avenue, has been completed by Clayborn Contracting Group, Inc., in accordance with the contract agreement dated January 16, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Installation of Traffic Signals at Oakdale Road and Mable Avenue, Coffee Road and Mable Avenue, and at Hatch Road and Ustick Avenue project be accepted from said contractor, Clayborn Contracting Group, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $362,020.08 as provided in the contract, be authorized.

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-79

A RESOLUTION SUPPORTING THE CLEAN WATER, CLEAN AIR, SAFE PARKS AND COASTAL PROTECTION BOND ACT OF 2002 (PROPOSITION 40).

WHEREAS, Governor Davis has signed AB 1602, which places the Clean Water, Clean Air, Safe Parks and Coastal Protection Bond Act on the 2002 ballot, and

WHEREAS, this $2.6 billion measure would provide funding to state and local parks, historical and cultural resources, urban forestry and other open space acquisition, preservation, protection and development projects, and

WHEREAS, on October 3, 2001, the Human Services Committee recommended that support of Proposition 40 be included in the City Council's 2001 Legislative Platform, and

WHEREAS, on November 7, 2001, the City Council adopted a resolution amending the 2001 Legislative Platform's Land Use and Planning Element to include support of AB 1602, and

WHEREAS, on February 6, 2002, the Human Services Committee recommended that a resolution of support for Proposition 40 be adopted by the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the Clean Water, Clean Air, Safe Parks and Coastal Protection Bond Act of 2002.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Planning and Conservation League and the California Park and Recreation Society.

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

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

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-80

A RESOLUTION APPROVING DIRECT CITY ASSISTANCE REQUESTED BY THE CAROLE SUND/CARRINGTON MEMORIAL REWARD FOUNDATION FOR $850 IN CITY FINANCIAL SUPPORT FOR THE ANNUAL VIGIL OF HOPE ON MARCH 9, 2002 AT GRACEADA PARK

WHEREAS, the Parks, Recreation and Neighborhoods Department received a request for direct city assistance from the Carole Sund/Carrington Memorial Reward Foundation requesting waiver of fees for use of Mancini Bowl, rental of portable toilets and event insurance for their annual Vigil of Hope on March 9, 2002 at Graceada Park, and

WHEREAS, the City Council, by resolution No. 80-1066, as amended by Resolution No. 83-128, adopted a "Policy for Evaluating Requests for Direct City Assistance", and

WHEREAS, the Carole Sund/Carrington Foundation is requesting that the City waive Mancini Bowl Rental Fees ($240), portable toilet rental fees ($340) and insurance coverage fees ($160), in the total amount of $740, and

WHEREAS, the Carole Sund/Carrington Foundation conducted previous Vigils of Hope at Graceada Park on March 11, 2000, and March 4, 2001, to create public awareness for missing persons and to provide families with resources, for which the City provided Direct City assistance, and

WHEREAS, the Human Services Committee met on February 6, 2002, and supported waiving of the fees for the requested facilities and services, and further supported amending the budget to allocate funding from the General Fund Reserve,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the request from the Carole Sund/Carrington Memorial Reward Foundation requesting waiver of fees for use of Mancini Bowl, rental of portable toilets and event insurance in the total amount of $740 for their annual Vigil of Hope on March 9, 2002 at Graceada Park.

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

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

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-81

A RESOLUTION AMENDING THE BUDGET TO TRANSFER $850 FROM THE GENERAL FUND RESERVE TO PROVIDE FUNDING TO THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT AND THE OPERATIONS AND MAINTENANCE DEPARTMENT TO COVER THE COSTS OF PROVIDING FACILITIES AND SERVICES TO THE CAROLE SUND/CARRINGTON MEMORIAL REWARD FOUNDATION'S ANNUAL VIGIL OF HOPE ON MARCH 9, 2002, AT GRACEADA PARK

WHEREAS, the Parks, Recreation and Neighborhoods Department received a request from the Carole Sund/Carrington Memorial Reward Foundation requesting waiver of fees for use of Mancini Bowl, rental of portable toilets and event insurance in the amount of $740 for their annual Vigil of Hope on March 9, 2002 at Graceada Park, and

WHEREAS, the Human Services Committee met on February 6, 2002, and supported waiving of the fees for the requested facilities and services, and further supported amending the budget to allocate funding from the General Fund Reserve,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2001-02 operating budget is hereby amended to transfer $740 from the General Fund Reserve, 0100-800-8000-8003, to: 0100-380-3801-0110, Parks Recreation and Neighborhoods Department, Community Services Organization, ($27); 0100-480-4522-0140, Operations and Maintenance Department, Parks Organization, ($213); 0100-480-4522-0216, Operations and Maintenance Department, Parks Organization ($340); and 0100-380-3801-0416, Parks Recreation and Neighborhoods Department, Community Services Organization ($160).

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

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

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2001-82

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 CAPITAL IMPROVEMENT PLAN BUDGET TO APPROPRIATE $12,000 FROM THE PARKS CAPITAL FACILITIES FEE RESERVE, 1350-800-8000-8003 TO PROJECT 1350-310-M178-6010, SUTTON COMMUNITY PARK

WHEREAS, on March 13, 2001, the City of Modesto entered into a contract with the HLA Group for professional landscape architectural services to hold three public design workshops and to prepare a Master Plan and Design Development Report for Sutton Community Park, and

WHEREAS, due to public concern, it was deemed necessary to hold a fourth public workshop, and

WHEREAS, the HLA Group has agreed to conduct the additional workshop and incorporate the recommendations into the Master Plan and Design Development Report for a cost of $4,500, and

WHEREAS, since adoption of the Capital Improvement Plan for Fiscal Year 2000-01, staff has determined that a traffic study should be completed for this project at a cost of $6,000, and

WHEREAS, in order to provide staff management and oversight to the additional aspects of the project described above, an additional $1,500 is needed for the project, and

WHEREAS, a total of $57,000 is needed to fund the Master Plan, Design Development Report, traffic study and staff management, and

WHEREAS, $45,000 is available from Capital Improvement Project 1350-310-M178, Sutton Community Park, and

WHEREAS, $12,000 is available in 1350-800-8000-8003, the Parks Capital Facilities Fees Fund available fund balance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the fiscal year 2001-02 Capital Improvement Plan budget to transfer $12,000 from 1350-800-8000-8003, Parks Capital Facilities Fees Reserve to project 1350-310-M178-6010, Sutton Community Park.

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

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

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-83

A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF MODESTO ("CITY") AND JAY M. COREY FOR THE POSITION OF REDEVELOPMENT ADMINISTRATOR AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT AND AMENDING THE COMMUNITY DEVELOPMENT BUDGET TO RECEIVE THE MODESTO REDEVELOPMENT AGENCY REVENUE TO FUND SAID POSITION.

WHEREAS, CITY has determined that it is in CITY'S best interest to employ staff services to provide the following:

1. Assistance to the Council, the City Manager, the Community Development Director and Redevelopment staff in the planning, coordination and administration of activities of the Redevelopment Agency
2. Management of activities involving commercial and industrial development including program development, project negotiation, land acquisition, project planning and short- and long-term budgeting. In addition, management of activities including the development of project financing options for commercial, industrial and housing projects
3. Support to other City staff working on redevelopment and other economic development issues and provide complex staff assistance to the Department Director, and

WHEREAS, this employment agreement will accomplish several economic development and redevelopment goals identified by the City Council, including:

1. Reduce the need to hire private firms to perform project administration for redevelopment
2. Maintain consistency in establishing and implementing redevelopment and economic development policies and long-term goals
3. Ensure that the RDA's best interests are met in project negotiations for future RDA projects including Kansas Avenue Business Park and future downtown housing projects.
4. Ensure that the RDA maintains the best financial position in all project negotiations, and

WHEREAS, CITY has determined that said staff services would require an employee working 30 hours per week as a Redevelopment Administrator, and

WHEREAS, CITY desires to employ Jay M. Corey in the position of Redevelopment Administrator and to provide certain benefits, establish certain conditions of employment and set working conditions, and

WHEREAS, the Modesto Redevelopment Agency (RDA) has budgeted funds and has provided service credits to the City of Modesto for a 30-hour-per-week position for a Redevelopment Administrator, including certain agreed-upon benefits set forth in said Employment Agreement which is attached hereto as "Exhibit A" and made a part hereof by this reference, and

WHEREAS, the Community Development Department will receive said RDA revenue by way of service credits to the City of Modesto to fund a 30-hour-per-week position for a Redevelopment Administrator, including certain agreed-upon benefits.

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

SECTION 1. Said Employment Agreement is approved by and between CITY and Jay M. Corey to provide specified staff services as set forth in said Exhibit A.

SECTION 2. This resolution shall become effective on and after February 19, 2002.

BE IT FURTHER RESOLVED that the Community Development Department budget is hereby amended to receive the Modesto RDA revenue to fund said Redevelopment Administrator.

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

EXHIBIT "A"

REDEVELOPMENT ADMINISTRATOR

DEFINITION

To assist the Community Development Director and Redevelopment staff in the planning, coordinating and administration of activities of the Modesto Redevelopment Agency. These activities involve commercial and industrial development including program development, project negotiation, land acquisition, project planning and short- and long-term budgeting. In addition, activities will include the development and management of project financing options for commercial, industrial and housing projects, recommending policy, creating, implementing and serving as project manager for affordable housing developments funded by the Agency; engaging the private sector and other public agencies in the implementation of redevelopment activities and programs. This position supports and teams with other City staff working on redevelopment and other economic development issues and provides complex staff assistance to the Department Director.

SUPERVISION RECEIVED AND EXERCISED:

Receives general direction from the Community Development Director in conjunction with the Business Development Manager. May exercise direct supervision over other professional, technical and/or clerical staff in assigned area.

EXAMPLES OF DUTIES:

Duties may include, but are not limited to, the following:

- Administration of specific projects which include and/or are similar in type and complexity to the following: Kansas Avenue Business Park, North Gateway Business Park; Housing developments in the downtown area; Westland Office Project; Hinchey/Bray Office Project and/or any project specifically assigned by the City Manager.

- Form partnerships, support strategic planning, create programs and projects and work effectively with the private sector community in creating and implementing redevelopment programs.
- Direct, oversee and participate in the division activities in the areas of redevelopment finance, asset management, business retention and recruitment, business loans and environmental regulations as they relate to redevelopment projects.
- Implement goals, objectives, policies and priorities for Agency's redevelopment services; identify resource needs.
- Supervise negotiation and preparation of documents such as disposition and development agreements, owner participation agreements, exclusive negotiating agreements, property options, contracts, resolutions, and requests for proposals/qualifications.
- Prepare documents for action by the Agency; conduct special studies and prepare/present comprehensive reports on all aspects of assigned programs and activities. Also serve as a technical resource for developers of redevelopment projects in the application of redevelopment law.
- Analyze and evaluate complex revenue and other financial proformas and studies used in financial and budgetary planning, assessment districts, tax increment financing, bond financing and business loans.
- Understand and utilize tax allocation bonds, tax exempt bonds, grants, loan agreements, and other redevelopment debt financing.
- Evaluate projects based on revenue projections and business plans; investigate and recommend appropriate sources of funding for redevelopment projects.
- Assist Department Director with review of impact of environmental regulations and laws; make recommendations for legislative amendments related to redevelopment.
- Assist Department Director with the evaluation of proposals containing incentives to help broaden the local tax bases, generate or attract new capital, increase business activity, produce jobs and diversify the local economy within the redevelopment area.
- Work towards the creation of projects that add tax increment value to the

redevelopment area, in particular, and the City in general. Job creation in commercial and industrial areas is a critical element of the redevelopment program.

- Build consensus among and between the Agency, the City, property owners and developers and work within the regulatory environment to win compliance, rather than to control or constrain those being regulated.
- Be an accomplished team player, with a strong commitment to the community; Be able to make decisions but still remain flexible and open to innovative ideas.
- Be extremely results-oriented and work toward continued improvement of the redevelopment program by updating and redesigning redevelopment procedures and process based on the measurement of results and data related to the desired outcomes.
- Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.
- Assist the Department director with the administration of the redevelopment budget; assist with the evaluation of the forecast of funds needed for goals; monitor and approve expenditures; implement mid-year adjustments for redevelopment.
- Appear before the City Council, boards, commissions and numerous civic organizations representing the Redevelopment Agency. Perform work in a variety of settings including offices, field, and community meetings; Participate extensively in the private sector investment and financial community, both local and state-wide.
- Coordinate division activities with those of other departments and outside agencies and organizations; prepare and present staff reports and other necessary correspondence.
- Perform other duties as assigned.

QUALIFICATIONS: Knowledge of:

- California redevelopment law, including implementation, financing, resources and development techniques

- Advanced principles and practices of public administration, urban planning, fiscal analysis, housing economics and redevelopment financing.
- Principles and practices of supervision, office management, Redevelopment Agency budgetary processes, management theories principles, and techniques.
- Pertinent laws, codes and regulations relating to land acquisition, real estate transactions, eminent domain regulations and environmental issues.
- Methods and techniques of statistical analysis, effective technical report preparation and presentation (both oral and graphic)
- General legal authority and parameters for carrying out bonds, grants, assessment, loans and other financial transactions authorized by and/or related to redevelopment law, including public budgeting, reporting financial forecasting, and financial analysis
- Advanced principles and practices of negotiations, conflict resolution, and contract administration

ABILITY TO:

- Assist with the preparation and administration of redevelopment operating and capital budgets and control budget expenditures
- Effectively manage assigned areas of the redevelopment program
- Analyze economic studies, proformas, financial statements, marketing studies, plans, specifications and bid documents
- Supervise, evaluate and train assigned staff
- Interpret and apply pertinent redevelopment laws, rules and regulations
- Ensure project and grant compliance with Federal, State and local redevelopment rules, laws and regulations
- Prepare and analyze technical and administrative reports, statements and correspondence
- Establish and maintain cooperative working relationships with those contacted in the course of work
- Demonstrate strong, effective and professional oral and written communication abilities as well as strong interpersonal skills

Special Condition: Positions in this class are funded by Redevelopment Agency funds and may be eliminated when such funds are no longer available to the Agency or when approved projects are completed.

License or Certificate:

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-84

A RESOLUTION REAPPOINTING RAY FELLER TO THE BOARD OF ZONING ADJUSTMENT

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

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

SECTION 1. Ray Feller, as representative of the Planning Commission, is hereby reappointed to the Board of Zoning Adjustment with a term expiration of January 1, 2003.

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

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-85

A RESOLUTION APPROVING THE FINAL MAP OF SUNDANCE LAKE UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, SUNDANCE LAKE MODESTO, LLC, a Delaware Limited Liability Company, SUNDANCE LAKE MODESTO INVESTORS, LLC, a California Limited Liability Company, its Managing Member, by GRUPE INVESTMENT COMPANY, INC., a California Corporation, its Managing Member, and JOSEPH DARWIN COLBY, Trustee of the JOSEPH DARWIN COLBY TRUST dated April 1, 1994, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 10.96 acres, known as Sundance Lake No. 2 in the Village One Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 18th day of December, 2000, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUNDANCE LAKE UNIT NO. 2 meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

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

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

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-86

A RESOLUTION APPROVING AMENDMENT NO. 14 TO THE AGREEMENT FOR ENGINEERING SERVICES FOR 9TH STREET RAILROAD RELOCATION PROJECT WITH DELEUW, CATHER & COMPANY (NOW PARSONS TRANSPORTATION GROUP), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT

WHEREAS, by Resolution No. 88-750, the original Agreement for Engineering Services with De Leuw, Cather & Company for the Ninth Street Railroad Relocation Project was approved by Council on October 4, 1988, and

WHEREAS, the initial agreement and seven subsequent amendments were for studies and applications for grants, and

WHEREAS, Amendment Nos. 9, 10, 11, & 12 began the actual design and property research, and

WHEREAS, Amendment No. 12 funded the re-design efforts after Caltrans approved the Highway 132 project which has an alignment one block over from the original design, and

WHEREAS, Amendment No. 13 funded the aesthetic treatments of the Kansas-Needham Overhead, intersection changes to College-Needham, and construction support services, and

WHEREAS, Amendment No. 14 will fund an expanded scope of services to address additional design changes and project delays,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that Amendment No. 14 to an agreement between the City of Modesto and De Leuw, Cather, & Company (now Parsons Transportation Group) to expand the scope of engineering services for the 9th Street Railroad Relocation project be, and it is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute said amendment.

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-87

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH RRM DESIGN GROUP FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR MADDUX YOUTH CENTER DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENTS

WHEREAS, the City of Modesto owns Maddux Youth Center, a 7,200 square foot wood frame and concrete block structure built in 1952, and

WHEREAS, the facility is used by 3,500 to 4,000 youth per month and, due to building age and use, improvements are desired, and

WHEREAS, staff interviewed architectural firms and determined that RRM Design Group, Inc., was the most qualified, and

WHEREAS, RRM Design Group agreed to provide the plans, specifications and cost estimate for the remodeling work at a cost not to exceed $58,200, and

WHEREAS, on August 14, 2001, the City Council approved awarding a contract to RRM Design Group to provide said services, and

WHEREAS, since that time, staff has determined that it is desirable to increase the addition to include space for Police Activities League boxing and to include 2 outdoor handball courts, and

WHEREAS, RRM Design Group has agreed to provide the additional design services for an additional $54,426, for a total cost of $112,626, and

WHEREAS, $450,000 has been allocated to Capital Project 2300-310-M182, Maddux Youth Center Improvements, and

WHEREAS, the Human Services Committee met on February 6, 2002, and supported staff's recommendation to amend the contract with RRM to include the expanded scope of services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the amendment to agreement with RRM Design Group for professional architectural services to include preparation of design development and construction documents for the remodel and additional work at Maddux Youth Center at a total cost not to exceed $112,626.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said contract documents.

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

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

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-88

A RESOLUTION AMENDING THE FISCAL YEAR 01-02 CAPITAL IMPROVEMENT PROGRAM TO APPROPRIATE $110,000 FROM 0100-800-8000-8003, GENERAL FUND RESERVE, TO 6600-310-M264, GOLF COURSE WELLS

WHEREAS, the Fiscal Year 01-02 Capital Improvement Program includes project 6600-310-M264, Golf Course Wells, for the purpose of repairing the existing well at Muni Golf Course and installing a booster pump at Creekside Golf Course, and

WHEREAS, staff has now determined that the existing well at Muni Golf Course cannot be repaired and a new well should be constructed, and

WHEREAS, an additional $110,000 is needed to complete the project, and

WHEREAS, the Human Services Committee met on February 6, 2002, and supported the staff recommendation to construct a new well at Muni Golf Course to be funded through a loan from the General Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby amends the Fiscal Year 01-02 Capital Improvement Program to appropriate $110,000 from 0100-800-8000-8003, General Fund Reserve, to 6600-310-M264, Golf Course Wells.

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

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

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-89

A RESOLUTION AWARDING A BID TO URS CORPORATION OF SANTA ANA, CALIFORNIA, IN THE AMOUNT OF $55,000 FOR ENGINEERING SERVICES TO ASSIST THE CITY IN SELECTING AND IMPLEMENTING AN AUTOMATED VEHICLE LOCATION (AVL) SYSTEM FOR THE MODESTO AREA EXPRESS (MAX) BUS SYSTEM AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE ENGINEERING SERVICES.

WHEREAS, by Request For Proposal (RFP) 0001-18, The Purchasing Division solicited formal bids for system engineering services to assist the City in selecting and implementing an Automated Vehicle Location system for the Modesto Area Express (MAX) bus system, and

WHEREAS, it was anticipated that the total cost of the system engineering services would be under the formal bid threshold of $50,000, and

WHEREAS, out of ten (10) firms solicited, four (4) responded to the City's RFP, and

WHEREAS, the Engineering and Transportation Department-Transit Division has requested system engineering services from URS Corporation of Santa Ana, California, to assist the City in selecting and implementing an Automated Vehicle Location (AVL) system at a total estimated cost of Fifty Five Thousand and 00/100 Dollars ($55,000.00), and

WHEREAS, the City of Modesto, Engineering & Transportation Department has determined that technical support is required to assist in the planning, selection and installation of an Automated Vehicle Location system for the City's fixed-route bus system, and

WHEREAS, the system-engineer will draft the AVL system specifications, and will assist in preparing the Request for Proposal (RFP) document, and provide advice and recommendations furthering the proposal evaluation process, and

WHEREAS, the Engineering and Transportation Department is responsible for improving public transit travel and making it safer and more efficient, while increasing overall passenger satisfaction, and

WHEREAS, the addition of an Automated Vehicle Location (AVL) system will improve the ability of a dispatcher to adjust to on-street operations; develop more efficient schedules; increase operator and customer safety through better emergency management and include maximum compatibility for future system upgrades, and

WHEREAS, the use of a system-engineer for selecting an AVL system is an essential element that will help insure the City select the most up-to-date and cost-effective AVL system, and

WHEREAS, an AVL system provides real time communication of exact bus location to a central dispatcher, and

WHEREAS, an AVL system allows City staff to monitor bus system operations from their own workstations, and

WHEREAS, an AVL system will provide a wide variety of data that is used as a basis for determining future route and schedule changes, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards a bid in the amount of $55,000 to URS Corporation of Santa Ana, California, for system engineering services to assist the City in selecting and implementing an Automated Vehicle Location (AVL) system for the MAX bus system.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute a contract with URS Corporation for system engineering services in the amount of $55,000.

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-90

A RESOLUTION CANVASSING THE RESULTS OF THE FEBRUARY 19, 2002, ELECTION HELD WITHIN THE TERRITORY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 2000-2, AND ORDERING ANNEXATION OF SAID TERRITORY TO THE DISTRICT (COFFEE-CLARATINA - ANNEXATION #1)

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), the City Council (the "Council") of the City of Modesto (the "City"), by its Resolution of Formation No. 2000-616, adopted on December 5, 2000, formed its Community Facilities District No. 2000-2 (the "District"), relating to territory within the Coffee-Claratina Area, and, subject to the vote of the qualified electors therein, authorized the levy of a special tax therein, and

WHEREAS, the Council thereafter declared its intention, by its Resolution of Intention to Annex No. 2002-24, adopted January 8, 2002, to annex certain territory to the District, a boundary map for which is recorded at Volume 3 AM of Maps of Assessment and Community Facilities Districts at page 55 in the Office of the Stanislaus County Recorder (the "Annexed Territory"), relating to territory within the Coffee-Claratina Area, and to levy a special tax therein (the "Special Tax") as set forth in Exhibit "A" hereto and by this reference incorporated herein for the purposes of financing certain facilities and services as set forth in Exhibit A hereto, and by this reference incorporated herein, and to set a hearing thereon for February 12, 2002, and

WHEREAS, at the conclusion of the public hearing, the Council did, on February 12, 2002, adopt its Resolution No. 2002-68, in which it determined to submit the question of the annexation of territory to the District and the levy of the Special Tax therein to the qualified electors of the Annexed Territory, and called an election thereon, which was held on February 19, 2002, (the "Election"), and

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

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

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

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Frohman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Exhibit A

CITY OF MODESTO
COFFEE-CLARATINA
COMMUNITY FACILITIES DISTRICT NO. 2000-2

CFD REPORT

November 13, 2000

Prepared For:

CITY OF MODESTO

Prepared By:

DAVID TAUSSIG &ASSOCIATES, INC.
425 University Avenue, Suite 110
Sacramento, California 95825
(916) 920-1109

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II. **Structure of Community Facilities District No. 2000-2** 1
- A. Introduction 1
- B. Boundaries of Coffee-Claratina CFD 1
- C. CFD Special Tax Structure 2

III. **Description of Services and Expenses to be Funded by CFD No. 2000-2** 2

APPENDICES:

Appendix A: CFD Boundary Map
Appendix B: Calculation of Maximum Special Tax
Appendix C: Rate and Method of Apportionment of Special Tax
Appendix D: Services to be Funded by CFD 2000-2

I. *INTRODUCTION*

The Coffee-Claratina site is located within a "Comprehensive Planning District (CPD)", which, pursuant to the City of Modesto General Plan, necessitates adoption of a specific plan prior to development within the area. The Coffee-Claratina Specific Plan was adopted by the Modesto City Council setting forth a plan for development which includes 130 acres designated for a maximum of 1,000 residential dwelling units, 40 acres designated "Regional Commercial", and 15 acres of "Mixed Community Commercial" development. The Coffee-Claratina CPD is located on the south side of Claratina Avenue, bound by Coffee Road on the east, McHenry Avenue on the west, and the Modesto City limits to the south.

Tentative maps approved for development within the Specific Plan area require, as a condition of development, that the property be included within a Mello-Roos Community Facilities District (CFD) to fund maintenance of median, bikeway, round-about and miscellaneous planting areas. In addition, the CFD will generate funding for maintenance and repair of a storm drain basin and dual-use flood control/recreation facility.

II. *STRUCTURE OF COMMUNITY FACILITIES DISTRICT NO. 2000-2*

A. Introduction

A Mello-Roos CFD may provide for the purchase, construction, expansion or rehabilitation of any real or tangible property, including public facilities and infrastructure improvements, with an estimated useful life of five (5) years or longer, which is necessary to meet increased demands placed upon local agencies as a result of development or rehabilitation occurring within the CFD. In addition, a CFD may pay for various public services and maintenance of public improvements, including parkways and open space.

The Resolution of Intention to Establish CFD No. 2000-2 was adopted by the City Council on October 17, 2000. After a public hearing and a successful election by the landowners within the CFD, the CFD will be formed and the levy of a special tax will be authorized.

B. Boundaries of Coffee-Claratina CFD

The initial boundaries of the CFD include six assessor's parcels and a total of 78.10 gross acres. Nine additional assessor's parcels are anticipated to annex into CFD No. 2000-2 when development is triggered on the parcels; ultimately, the CFD will include approximately 131 gross acres and an estimated 78 net developable acres. A copy of the boundary map for CFD No. 2000-2 is included as Appendix A of this CFD Report. Appendix B identifies the assessor's parcels that are ultimately expected to be included with the boundaries of CFD No. 2000-2 and the maximum special tax that can be collected within the CFD based on the estimated net developable acreage of these parcels.

C. CFD Special Tax Structure

Each year a special tax will be levied and collected from parcels within the CFD to pay costs associated with the maintenance and repair of a storm drain basin and a dual-use flood control/recreation facility, and the ongoing maintenance of median, bikeway, round-about and miscellaneous planting areas within the Specific Plan. The Rate and Method of Apportionment of Special Tax ("RMA"), which describes in detail how the tax will be allocated among properties in the CFD, is included as Appendix C of this report.

As explained in the RMA, an "Annual Special Tax" will be levied to pay for authorized maintenance expenses, in an amount not to exceed $2,468 per acre in fiscal year 2001-02 dollars. This maximum tax will escalate each year by applying the greater of (i) the percentage increase, if any, in the Engineering News Record construction cost index for the San Francisco region for the prior twelve month period, or (ii) four percent. The Annual Special Tax will first be levied on "Developed Property", which is defined, for a particular fiscal year, as any parcel for which a final building permit inspection was conducted or certificate of occupancy issued by June 1 of the preceding fiscal year. After the maximum Annual Special Tax has been collected from Developed Property, the remaining amount needed for authorized expenses in the fiscal year will be collected from "Undeveloped Property", which includes all parcels that have not had a final building permit inspection conducted or certificate of occupancy issued.

In addition to the Annual Special Tax, an "Annexation One-Time Special Tax" will be collected from all parcels that annex into CFD No. 2000-2 in future fiscal years. The Annexation One-Time Special Tax will be calculated pursuant to the formula set forth in Section E of the RMA and will be collected to reimburse the landowner who made the initial deposit to the City to pay the costs of forming CFD No. 2000-2. The Annexation One-Time Special Tax must be paid prior to approval by the City Council of the resolution approving the annexation.

III. DESCRIPTION OF SERVICES AND EXPENSES TO BE FUNDED BY CFD NO. 2000-2

The individual line-item service costs to be funded by CFD No. 2000-2 are identified in Appendix D of this report.

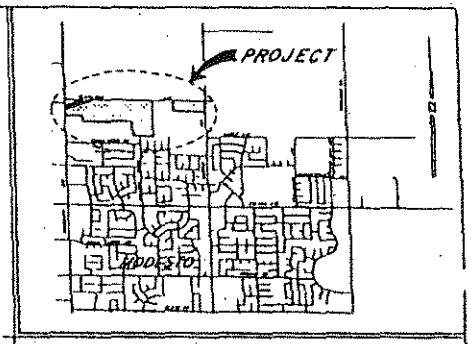
APPENDIX A

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2 OF THE CITY OF MODESTO

CFD BOUNDARY MAP

COFFEE-CLARATINA CFD NO. 2000-2

PROPOSED BOUNDARIES OF CFD DISTRICT NO. 2000-2
CITY OF MODESTO , COUNTY OF STANISLAUS
STATE OF CALIFORNIA



VICINITY MAP
NO SCALE

31 - PM - 22
PCL. "4"
CLARATINA AVENUE
R/W
23 - PM - 40
PCL. "3"
PCL. "2"
APN : 082-10-01
2.36 ACRES
HETCH - HETCHY
APN : 082-10-03
APN : 082-10-04
15.33 ACRES
APN : 082-10-05
15.36 ACRES
PARCEL "A"
50 - PM - 8
PARCEL "B"
50 - PM - 8
PARCEL "A"
APN: 082-08-14
37 - PM - 43
PARCEL "B"
APN : 082-08-15
17.96 ACRES
APN : 082-10-06
16.28 ACRES
PARCEL "A"
24 - PM - 76
APN. 053-60-03
APN. 053-60-02
APN. 053-60-01
GRECIAN AVENUE
McHENRY AVENUE
DRAGOO PARK DR.
CT.
HEXFORD CT.
HAVENHURST CT.
SCALE 1"=200'

GRAPHIC SCALE
(IN FEET)
1 inch = 200 ft

Filed in the Office of the City Clerk of the City of Modesto in recordable form this _____ day of _____, 2000.

JEAN ZAHR, City Clerk

I hereby certify that this map was approved by the City Council of the City of Modesto at a regular meeting thereof, held on the _____ day of _____, 2000, by its Resolution No. _____.

JEAN ZAHR, City Clerk

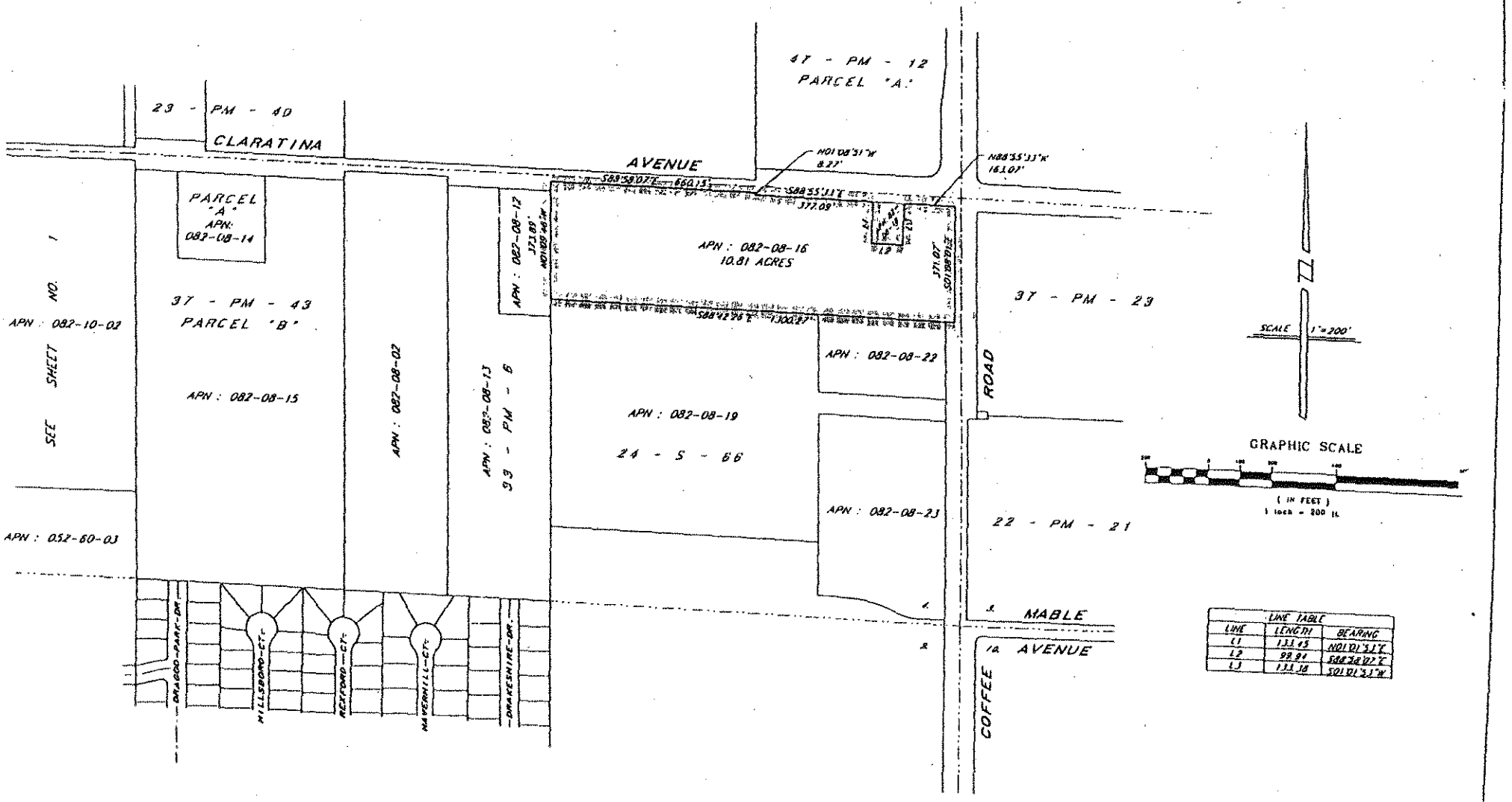
Filed this _____ day of _____, 2000, at the hour of _____ o'clock _____ m. in Volume _____ of Maps of Assessment and Community Facilities Districts at page(s) _____ in the Office of the County Recorder of the County of Stanislaus, State of California.

_____
County Recorder of the

BASIS OF BEARINGS :
The bearing of North 88°41'13" East between GPS Monuments 3724 and 3725 as shown on the "Amended City of Modesto Record of Survey" recorded March 30, 1995 in Book 37 of Surveys at Page 31, Stanislaus County Records, was used as the basis for bearings hereon.

COFFEE-CLARATINA CFD NO. 2000-2

PROPOSED BOUNDARIES OF CFD DISTRICT NO. 2000-2
CITY OF MODESTO , COUNTY OF STANISLAUS
STATE OF CALIFORNIA



LINE TABLE		
LINE	LENGTH	BEARING
L1	133.45	N01°08'10"W
L2	99.91	S88°42'02"E
L3	133.18	S01°08'10"E

APPENDIX B

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2 OF THE CITY OF MODESTO

CALCULATION OF MAXIMUM SPECIAL TAX

CITY OF MODESTO
COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2

CALCULATION OF MAXIMUM ANNUAL SPECIAL TAX

Cost Estimates	
Annual Maintenance Costs (2000 $) (including 10% administration)	$182,462

Maximum Tax Calculation	
Maximum Annual Special Tax (FY 2001-02) /1	$2,467.12 per acre

Acreage Within CFD

APN	Net Developable Acreage/2
082-10-01	2.37
082-10-03	0.00
082-10-04	14.36
082-10-05	10.01
082-10-06	12.32
082-08-02	1.98
082-08-12	1.20
082-08-13	3.34
082-08-14	1.35
082-08-15	4.08
082-08-16	7.55
082-08-18	0.00
082-08-19	11.65
082-08-22	2.14
082-08-23	5.50
Net Developable CFD Acreage	77.85
Buffer for Maximum Tax Calculation	5.00%
Estimated Net Taxable Acreage in CFD	73.96

1. The maximum Annual Special Tax will escalate each year at the greater of (i) the percentage increase in the ENR Index for the San Francisco region, or (ii) four percent.

2. Source: Benchmark Engineering, Inc.

APPENDIX C

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2 OF THE CITY OF MODESTO

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

CITY OF MODESTO
COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A special tax applicable to each Assessor's Parcel in Coffee-Claratina Community Facilities District No. 2000-2 (herein "CFD No. 2000-2") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2000-2, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2000-2 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

"**Annual Special Tax**" means a special tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement.

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

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

"**City**" means the City of Modesto.

"**City Council**" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2000-2.

"**Developed Property**" means, in any Fiscal Year, all Taxable Property for which a final building permit inspection was conducted or a certificate of occupancy issued prior to June 1 of the preceding Fiscal Year.

"**District Administrator**" means the individual(s) designated by the City Council to administer the CFD in accordance with the authority and powers granted by the City Council to said individual(s).

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

"**Maintenance Special Tax Requirement**" means the amount necessary in any Fiscal Year to (i) pay for authorized maintenance expenses, (ii) pay administrative expenses of CFD No. 2000-2, (iii) cure any delinquencies in the payment of Annual Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Annual Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected, and (iv) maintain a reasonable reserve, as determined by the District Administrator, for unforeseen expenses, cost overruns, etc.

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

"**Proportionately**" means, for Developed Property, that the ratio of the actual Annual Special Tax levied in any Fiscal Year to the Maximum Annual Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual Annual Special Tax to the Maximum Annual Special Tax is equal for all Assessor's Parcels of Undeveloped Property.

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

"**Taxable Property**" means all of the Assessor's Parcels within the boundaries of CFD No. 2000-2 which are not exempt from the Annual Special Tax pursuant to law or Section E below.

"**Undeveloped Property**" means, in any Fiscal Year, all Taxable Property that is not Developed Property.

B. CATEGORIZATION OF PARCELS

Each Fiscal Year, the District Administrator shall identify the current Assessor's Parcel number for each Assessor's Parcel within the CFD, and shall categorize each Parcel of Taxable Property as Developed Property or Undeveloped Property. The District Administrator shall also identify the current Acreage of each Parcel by reference to the Stanislaus County Assessor's Parcel Maps.

C. MAXIMUM ANNUAL SPECIAL TAX

The Maximum Annual Special Tax for all Parcels of Taxable Property within CFD No. 2000-2 for Fiscal Year 2001-02 is $2,468 per Acre. Beginning in January 2002, the Maximum Annual Special

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

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

Each Fiscal Year, the District Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Special Tax shall then be levied on all Parcels of Taxable Property as follows:

Step 1: The Annual Special Tax shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Annual Special Tax for Taxable Property for such Fiscal Year determined pursuant to Section C;

Step 2: If additional revenues are needed to meet the Maintenance Special Tax Requirement after Step 1, the Annual Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Special Tax for Taxable Property for such Fiscal Year determined pursuant to Section C.

The Annual Special Tax for CFD No. 2000-2 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes provided, however, that CFD No. 2000-2 may (under the authority of Government Code Section 53340) in any particular case bill the taxes directly to the property owner, off the County tax roll, and the Annual Special Tax will be equally subject to foreclosure if delinquent.

E. ANNEXATION ONE-TIME SPECIAL TAX

A one-time Special Tax shall be levied on property that annexes into CFD No. 2000-2 after the CFD is formed. This "Annexation One-time Special Tax" shall be used to reimburse the landowner who made the initial deposit to the City to cover the costs of forming the CFD. The Annexation One-time Special Tax shall be calculated for each annexing property as follows:

Step 1. Add the estimated net developable acres for the annexing property to the estimated net developable acreage for property already within the CFD at the time of annexation;

Step 2. Divide the net developable acres within the annexation area by the sum determined in Step 1 to determine the annexing property's share of the total net developable acreage within the CFD;

Step 3. Multiply the quotient determined in Step 2 by either (i) $64,500 in 2000 dollars, which shall increase on January 1, 2001 and on each January 1 thereafter by applying the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) such lower number as shall be determined by the City as the amount that was actually expended to cover the costs of formation of CFD No. 2000-2.

The Annexation One-time Special Tax must be paid prior to approval by the City Council of the resolution approving the annexation. If for any reason the Annexation One-time Special Tax has not been paid for property that has been annexed into the CFD, the Annexation One-time Special Tax shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the City Council adopted the resolution approving the annexation and on the first day of each month thereafter. Any such delinquent special taxes shall, at the City's discretion, be placed on the next secured property tax roll along with the Annual Special Tax levied pursuant to Section D above. The amount placed on the roll shall include the 10% penalty and interest charges through the following December 1.

F. LIMITATIONS

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

G. ENFORCEMENT

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

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APPENDIX D

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2 OF THE CITY OF MODESTO

DETAIL OF EXPENSES TO BE FUNDED BY CFD

Coffee-Claratina CFD No. 2000-2

Overview - Storm Drain Basin Expenses

Description	Annual Expense
Specific Plan Area	
Median Plantings (25,396 s.f. @ $.61 + 20% contingency)	$ 18,589.87
Bikeway Plantings (36,167 s.f. @ $.61 + 20% contingency)	$ 26,474.24
Round About Plantings (1,591 s.f. @ $.61 + 20% contingency)	$ 1,164.61
Back Up Lot Plantings (2,849 s.f. @ $.61 + 20% contingency)	$ 2,085.47
MID power costs ($20/mo. per location * 6 locations * 12 mos.)	$ 1,440.00
West Basin	
Crew Leader (12 one-hour visits @ $20.73/hr + 32% benefits)	$ 328.36
Supervisor (4 one-hour visits @ $26.02/hr + 32% benefits)	$ 137.39
Superintendent (2 one-hour visits @ $33.23/hr + 32% benefits)	$ 87.73
Equipment	
1/2 Ton Full Size Pick-Up - Crew Leader (12 hrs x $2.37)	$ 28.44
1/2 Ton 4/4 Full Size Pick-up - Supervisor (4 hrs x $2.50)	$ 10.00
1/2 Ton Full Size Pick-Up - Superintendent (2 hrs hrs x $2.37)	$ 4.74
Fence Repair	$ 1,000.00
Maintenance - interior of basin	$ 1,500.00
Annual lab tests	$ 1,200.00
Silt excavation, erosion repair for annual improvement maintenance to basin	$ 9,000.00
Maintenance of landscaping (at build-out) *(includes monthly water charges)*	$ 11,807.51
East Basin	
Crew Leader (12 one-hour visits @ $20.73/hr + 32% benefits)	$ 328.36
Supervisor (4 one-hour visits @ $26.02/hr + 32% benefits)	$ 137.39
Superintendent (2 one-hour visits @ $33.23/hr + 32% benefits)	$ 87.73
Equipment	
1/2 Ton Full Size Pick-Up - Crew Leader (12 hrs x $2.37)	$ 28.44
1/2 Ton 4/4 Full Size Pick-up - Supervisor (4 hrs x $2.50)	$ 10.00
1/2 Ton Full Size Pick-Up - Superintendent (2 hrs hrs x $2.37)	$ 4.74
Fence Repair	$ 1,000.00
Maintenance - interior of basin	$ 1,500.00
Annual lab tests	$ 1,200.00
Silt excavation, erosion repair for annual improvement maintenance to basin	$ 9,000.00
Maintenance of landscaping (9.5 acres @ $8,181/acre) *(includes monthly water charges)*	$ 77,719.50
Administration (10% of total cost)	$ 16,587.45

TOTAL	$ 182,461.97

Exhibit B

EXHIBIT B

CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2002-68, the Resolution calling for the Election, adopted on February 12, 2002 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 2000-2(1) on February 19, 2002, and that the election was conducted by mail or in person at the City Hall of Modesto.

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

Proposition A. Shall a special tax with a maximum rate, method of apportionment, and manner of collection as established in the Resolution of Formation adopted at a public hearing held by the City Council of the City of Modesto on January 8, 2002, be levied within the territory proposed to be annexed to Community Facilities District No. 2000-2(1) for the purposes of financing certain public facilities and services as provided in the Resolution?

TOTAL VOTES CAST: YES 46 NO 0

Dated: February 20, 2002

Jean Zahr

JEAN ZAHR
City Clerk of the City of Modesto

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-91

A RESOLUTION INCREASING THE ENGINEERING AND TRANSPORTATION DIRECTOR'S AUTHORITY LEVEL TO ISSUE CHANGE ORDERS FROM 8% TO 9.5% OF THE ORIGINAL CONTRACT PRICE WITH GEORGE REED, INC. ON THE "SISK ROAD RECYCLE – BRIGGSMORE TO DALE" PROJECT.

WHEREAS, on August 9, 2001, the City Council awarded a $1,558,958.25 contract to George Reed, Inc. to make improvements to Sisk Road between Briggsmore Avenue and Dale Road, and

WHEREAS, the contractor started work on September 13, 2001, and the work is nearly complete, and

WHEREAS, during the course of construction, the contractor was required to perform additional work to construct the project that was not included in the original contract, and

WHEREAS, the estimated final cost of the extra work is approximately $142,000.00, an amount which exceeds the Director's authority for the project as established by the Council's change order policy adopted by Resolution No.94-443, and

WHEREAS, the Director currently has authority to approve change orders up to a cumulative amount of 8% of the original contract price, or $124,716.66 in this case, and

WHEREAS, increasing the Director's change order level of authority from 8% to 9.5% is necessary to allow execution of pending change orders for added work associated with completion of the Sisk Road recycling project,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Engineering and Transportation Director's authority level to issue change orders from 8% to 9.5% of the original contract price with George Reed, Inc., for the project entitled "Sisk Road Recycle - Briggsmore to Dale."

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-92

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 ANNUAL BUDGET TO FULLY FUND THE SISK ROAD RECYCLE - BRIGGSMORE TO DALE PROJECT

WHEREAS, on August 9, 2001, the City Council awarded a $1,558,958.25 contract to George Reed, Inc. to recycle and overlay Orangeburg Avenue from Evergreen to Briggsmore, Sisk Road from Briggsmore to Whitcomb, Sisk Road from approximately 400' south of Rumble to Standiford, and Standiford Avenue from Sisk to Dale within the City of Modesto, and

WHEREAS, the contractor was required to perform work not included in the original contract, and

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

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the 2001-02 Annual Budget (1) to reduce the appropriation of Gas Tax Funds for the Capital Improvement Project 2300-430-M206 (Kansas Avenue – Emerald to 8th) $32,000, (2) to reduce the appropriation of Gas Tax funds for the Capital Improvement Project 0700-430-L916 (Coldwell Avenue – Tully to 9th) $12,000, and (3) to increase the Gas Tax Fund appropriation to Capital Improvement Project 2300-430-M205 (Sisk Road – Evergreen to Dale) $44,000.

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

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

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

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-93

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 13 AND CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY BOUNDED BY ROSELLE AVENUE, HILLGLEN AVENUE, MILLBROOK AVENUE AND KODIAK DRIVE, IN THE VILLAGE ONE SPECIFIC PLAN AREA (GARRAD MARSH)

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

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, an application has been filed by Garrad Marsh for a Precise Plan for Area No. 13 of the Village One Specific Plan, property bounded by Roselle Avenue, Hillglen Avenue, Millbrook Avenue and Kodiak Drive, and

WHEREAS, the applicant has applied for approval of a rezoning from Specific Plan-Holding Zone, SP-H, to a Specific Plan-Overlay Zone, SP-O, and

WHEREAS, the City's Community Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/CDD 2001-86, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 2002-04, adopted on January 7, 2002, and City staff, by a report dated January 22, 2002, from the Community Development Department, recommended to the City Council approval of the Precise Plan for Area No. 13 of the Village One Specific Plan as set forth in said Resolution No. 2002-04, and recommended approval of an Amendment to Section 12-3-9 of the Zoning Map to rezone from Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay Zone, SP-O, Precise Plan Area No. 13, property bounded by Roselle Avenue, Hillglen Avenue, Millbrook Avenue and Kodiak Drive, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on February 26, 2002, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/CDD 2001-86, entitled "City of Modesto Initial Study Precise Plan No. 13 ", for the proposed project, and the Council hereby makes the following findings:

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

2. The project will have no new effects which were not examined in the Program EIR and no new mitigation measures would be required.

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

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

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

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

7. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

8. The initial study, Environmental Assessment No. EA/CDD 2001-78, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 2001-86, entitled "City of Modesto Initial Study Precise Plan No. 13", is attached hereto as Exhibit "A", and incorporated herein by reference.

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

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Conrad, Frohman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

INITIAL STUDY

EA/CDD NO. 2001-86

City of Modesto

Initial Study

Precise Plan No. 13

EA/CDD 2001-86
December 19, 2001

I. PURPOSE

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Sections 15168(c) and 15182 of the CEQA Guidelines allows the approval of subsequent projects within the scope of the Project EIR without further environmental review, provided the following findings are made:

A. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.

B. The project will have no new effects which were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.

C. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR.

D. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR.

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

F. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

The purpose of this initial study is to provide the substantial evidence to support the above findings.

II. PROJECT DESCRIPTION

A. Project title:
Precise Plan No. 13

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

C. Contact person and phone number:
Steve Mitchell, Community Development Department, (209) 577-5287

A. Project Location:
The project is located on the east side Roselle Avenue north of Kodiak Drive.

E. Project Sponsor:
Garrad Marsh, 3700 McHenry Av., Modesto, CA 95356

F. General Plan Designation:
Village Residential (VR)

G. Current Zoning:
Specific Plan-Holding (SP-H) Zone

H. Description of Proposed Project:
This is a precise plan in the Village One Specific Plan. The precise plan is to allow approximately 180 single-family units on 49 acres.

I. Surrounding land uses:
The project is bounded on the north by existing ranchette development, on the east by by a currently-developing single-family subdivision, on the south and west by vacant land and ranchettes with approved precise plans and tentative subdivision maps.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH SECTION 15168(C) FINDINGS

Following is an analysis of how the project is within the scope of the Village One Program EIR and how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, broken down by each impact area identified in the Village One Program EIR:

A. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity. It also provides a circulation system in accordance with the Specific Plan. Therefore, impacts to traffic and circulation for this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the

Supplemental EIR.

B. Degradation of Air Quality

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Air quality impacts for this project are directly related to traffic impacts. Because traffic impacts for this project are within the scope of those in the Village One EIR, air quality impacts are also within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

C. Generation of Noise

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity, and the precise plan incorporates a requirement for a sound wall adjacent to Roselle Avenue, a future arterial street, in accordance with the Specific Plan. Therefore, the noise impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

D. Vegetation and Wildlife

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The project is located in an area analyzed by the Village One EIR for residential development. Therefore, the impacts to vegetation and wildlife of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

E. Land Use

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

F. Population, Employment and Housing

Impacts to population, employment and housing are analyzed on pages III-95 through III-99 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to population, employment and housing of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

G. Urban Design and Visual Quality

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The development proposed by this precise plan is consistent with the Village One Specific Plan in terms of land use, intensity and urban design. Therefore, the impacts to urban design and visual quality of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR,

as modified by the Supplemental EIR.

H. Geology and Soils

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to geology and soils of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

I. Hydrology

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and includes the necessary storm drainage systems required by the Specific Plan. Therefore, the impacts to hydrology of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

J. Public Services

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and would not create any additional demand for public services that are in excess of those analyzed by the Village One EIR. Therefore, the impacts to public services of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

K. Fiscal Impacts

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the fiscal impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

L. Cumulative Impacts

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use intensity. Therefore, the cumulative impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

M. Growth Inducing Impacts

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the growth-inducing impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

IV. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS

A. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Village One Program EIR.

B. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there is no new information, which was not known at the time the Program EIR was certified, has become available, that would change the conclusions of the EIR.

V. MITIGATION MEASURES

Since the project is within the scope of the Village One Specific Plan Program EIR, there are no additional mitigation measures needed for the project. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

VI. CONCLUSIONS/DETERMINATIONS OF FINDINGS

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.

2. The project will have no new effects which were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.

3. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

4. There are no substantial changes occurring with respect to the circumstances under

which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

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

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

7. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

8. This initial study provides the substantial evidence to support the above findings.

Signature:

Steve Mitchell

Steve Mitchell,
Principal Planner

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-94

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 9 AND CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED AT THE SOUTHWEST CORNER OF SYLVAN AVENUE AND THE FUTURE CLAUS ROAD EXPRESSWAY IN THE VILLAGE ONE SPECIFIC PLAN AREA (WAYNE BRIGMAN)

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

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, an application has been filed by Wayne Brigman for a Precise Plan for Area No. 9, property located at the southwest corner of Sylvan Avenue and the future Claus Road expressway, and

WHEREAS, the applicant has applied for approval of a rezoning from Specific Plan-Holding Zone, SP-H, to a Specific Plan-Overlay Zone, SP-O, and

WHEREAS, the City's Community Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/CDD 2001-82, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 2002-06, adopted on January 7, 2002, and City staff, by a report dated January 31, 2002, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 9 of the Village One Specific Plan as set forth in said Resolution No. 2002-06, and recommended approval of an Amendment to Section 12-3-9 of the Zoning Map to rezone from Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay Zone, SP-O, Precise Plan Area No. 9, property located property located at the southwest corner of Sylvan Avenue and the future Claus Road expressway, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on February 26, 2002, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/CDD 2001-82, entitled "City of Modesto Initial Study Precise Plan No. 9 and Village Highlands No. 7 Vesting Tentative Subdivision Map", for the proposed project, and the Council hereby makes the following findings:

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

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

3. There are no substantial changes proposed in the project that will require major revisions of the Program EIR as amended by the Village One Supplemental EIR.

4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

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

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

7. All feasible mitigation measures set forth in the Program EIR thgat are appropriate to the project shall be incorporated in the project.

8. The initial study, Environmental Assessment No. EA/CDD 2001-82, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 2001-82, entitled "City of Modesto Initial Study Precise Plan No. 9 and Village Highlands No. 7 Vesting Tentative Subdivision Map ", is attached hereto as Exhibit "A", and incorporated herein by reference.

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

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Frohman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

INITIAL STUDY

EA/CDD NO. 2001-82

City of Modesto

Initial Study

Precise Plan No. 9 and Village Highlands No. 7 Vesting Tentative Subdivision Map

EA/CDD 2001-82
December 17, 2001

I. PURPOSE

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Sections 15168(c) and 15182 of the CEQA Guidelines allow the approval of subsequent projects within the scope of the Program EIR without further environmental review, provided the following findings are made:

A. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.

B. The project will have no new effects that were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.

C. There are no substantial changes proposed in the project that will require major revisions of the Village One Specific Plan Program EIR.

D. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR.

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

F. All feasible mitigation measures set forth in the Program EIR that are appropriate to the project shall be incorporated in the project.

The purpose of this initial study is to provide the substantial evidence to support the above findings.

II. PROJECT DESCRIPTION

A. Project title:
Precise Plan No. 9 and Village Highlands No. 7 Vesting Tentative Subdivision Map

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

C. Contact person and phone number:
Brad Wall, Community Development Department, (209) 577-5287

D. Project Location:
The project is located at the southwest corner of Sylvan Avenue and Claus Road.

E. Project Sponsor:
O'Dell Engineering, 1101 M Street, Modesto CA 95354

F. General Plan Designation:
Village Residential (VR)

G. Current Zoning:
Specific Plan-Holding (SP-H) Zone

H. Description of Proposed Project:
This is a precise plan and subdivision map in the Village One Specific Plan area to create a 62-lot single-family subdivision on approximately 15 acres. A significant portion of this area will be dedicated for the future Claus Road expressway, at some point in the future.

I. Surrounding land uses:
The project is bounded on the north by vacant lands in unincorporated Stanislaus County, on the east by Claus Road and the future Village One business park, and on the south and west by existing single-family subdivisions.

J. Other public agencies whose approval is required: None

III. ANALYSIS OF CONFORMANCE WITH SECTION 15168(C) FINDINGS

Following is an analysis of how the project is within the scope of the Village One Program EIR and how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, broken down by each impact area identified in the Village One Program EIR:

A. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity. It also provides a circulation system in accordance with the Specific Plan. Therefore, impacts to traffic and circulation for this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

B. Degradation of Air Quality

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Air quality impacts for this project are directly related to traffic impacts. Because traffic impacts for this project are within the scope of those in the Village One EIR, air quality impacts are also within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

C. Generation of Noise

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity, and the project includes a masonry sound wall adjacent to Claus Road, as required by the Specific Plan. Therefore, the noise impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

D. Vegetation and Wildlife

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The project is located in an area analyzed by the Village One EIR for residential development. Therefore, the impacts to vegetation and wildlife of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

E. Land Use

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

F. Population, Employment and Housing

Impacts to population, employment and housing are analyzed on pages III-95 through III-99 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to population, employment and housing of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

G. Urban Design and Visual Quality

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The development proposed by this subdivision is consistent with the Village One Specific Plan in terms of land use, intensity and urban design, and includes landscaped setbacks along the surrounding streets, as required by the Specific Plan. Therefore, the impacts to urban design and visual quality of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

H. Geology and Soils

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to geology and soils by this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

I. Hydrology

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and includes the necessary storm drainage systems required by the Specific Plan. Therefore, the impacts to hydrology of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

J. Public Services

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and would not create any additional demand for public services that are in excess of those analyzed by the Village One EIR. Therefore, the impacts to public services of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

K. Fiscal Impacts

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the fiscal impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

L. Cumulative Impacts

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use intensity. Therefore, the cumulative impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

M. Growth Inducing Impacts

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the growth-inducing impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

IV. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS

A. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Village One Program EIR.

B. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there is no new information, which was not known at the time the Program EIR was certified, has become available, that would change the conclusions of the EIR.

V. MITIGATION MEASURES

Since the project is within the scope of the Village One Specific Plan Program EIR, there are no additional mitigation measures needed for the project. All feasible mitigation measures set forth in the Program EIR that are appropriate to the project shall be incorporated in the project.

VI. CONCLUSIONS/DETERMINATIONS OF FINDINGS

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.

2. The project will have no new effects that were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.

3. There are no substantial changes proposed in the project that will require major revisions of the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

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

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

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

8. This initial study provides the substantial evidence to support the above findings.

Signature:

Brad Wall,
Associate Planner

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-95

A RESOLUTION DESIGNATING 1418-1430 I STREET AS A MODESTO LANDMARK PRESERVATION SITE (OWNER: TONI WHITELY).

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

WHEREAS, a public hearing was held on October 29, 2001 at the McHenry Museum, 1402 I Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 2001-1, that the property at 1418-1430 I Street is eligible for designation as a Landmark Preservation Site for the following reasons:

(1) The location and setting is compatible with future preservation and use.

(2) The physical condition is such that preservation maintenance or adaptive use is economically feasible.

(3) The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.

(4) The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, the Human Services Committee met on February 6, 2002, and supported the Landmark Preservation Commission recommendation, and

WHEREAS, after a public hearing held on February 26, 2002, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, the Council found and determined that the property at 1418-1430 I Street is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property located at 1418-1430 I Street is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property at 1418-1430 I Street has architectural significance as a fine example of a neoclassical building from the early 1900's and is hereby designated a Landmark Preservation Site for the following reason:

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

This neoclassical, two-story, rectangular apartment building has stucco walls, a flat roof, and a molded, boxed cornice with bed molding only on the front. There is a straight buttress covering both sides of each front corner and rising above the roof parapet like a chimney. Two stringcourses at the floor level of each story run around the front and sides and pass over these two buttresses.

Along the front, which extends half a block, are four entrances at regular intervals. Each has a tiled, gabled hood with a crocket at the end of the peak, resting on three beams and covering a recessed vestibule with a pilaster on each side of the rectangular entrance. In the vestibule are four doors, each with a rectangular window and sill with dentils under it. Outside the vestibule under the hood is a cement stoop and straight double stairs with four steps. A low wall lies in front of the stoop and slants down the sides of the stairs.

All the windows, including the small basement windows, are recessed under segmental arches and have rectangular sashes with wooden frames that fill the curved space under the arches.

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

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

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

NOES: Councilmembers: None

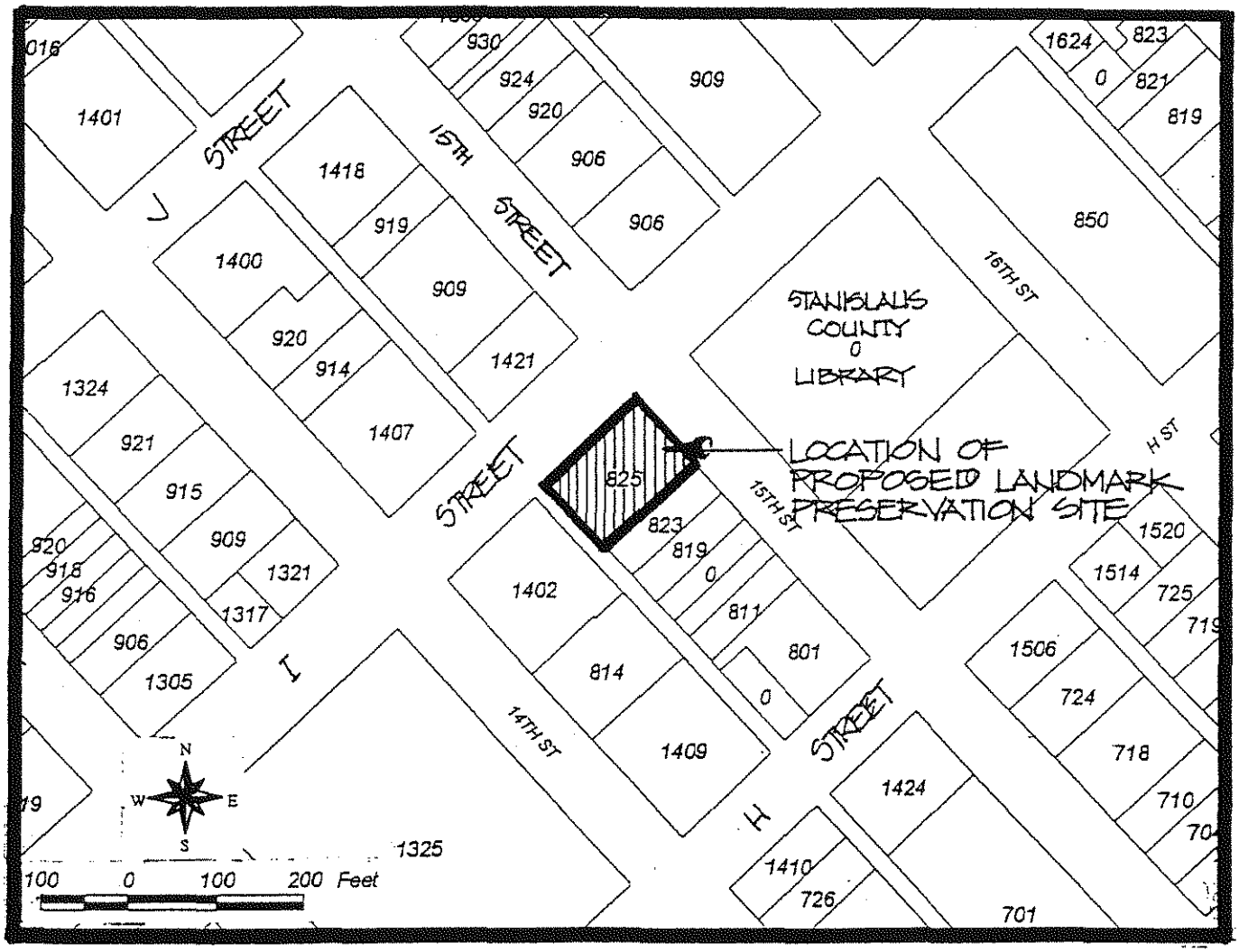
ABSENT: Councilmembers: Frohman

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

LOCATION MAP



State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

HISTORIC RESOURCES INVENTORY

Ser. No. _____
HABS ____ HAER ____ NR 5 SHL ____ Loc ____
UTM: A _____ B _____
C _____ D _____

IDENTIFICATION

1. Common name: Miller Apartments
2. Historic name: Fov Apartments
3. Street or rural address: 1418 - 30 I Street
   City Modesto Zip 95354 County Stanislaus
4. Parcel number: 105-13-01
5. Present Owner: Toni Whitely Address: 11930 Horseshoe Rd.
   City Oakdale, CA Zip 95361 Ownership is: Public _____ Private X
6. Present Use: Apartments Original use: Apartments

DESCRIPTION

7a. Architectural style: Neoclassical

7b. Briefly describe the present *physical description* of the site or structure and describe any major alterations from its original condition: This 2 story, rectangular apartment building has stucco walls, a flat roof, and a molded, boxed cornice with bed molding only on the front. There is a straight buttress covering both sides of each front corner and rising above the roof parapet like a chimney. Two stringcourses at the floor level of each story run around the front and sides and pass over these 2 buttresses.

Along the front, which extends half a block, are 4 entrances at regular intervals. Each has a tiled, gabled hood with a crochet at the end of the peak, resting on 3 beams and covering a recessed vestibule with a pilaster on each side of the rectangular entrance. In the vestibule are4 doors, each with a rectangular window and sill with dentils under it. Outside the vestibule under the hood is a cement stoop and straight double stairs with 4 steps. A low wall lies in front of the stoop and slants down the sides of the stairs.

All the windows, including the small basement windows, are recessed under segmental arches and have rectangular sashes with wooden frames that fill the curved space under the arches.

8. Construction date: Estimated _____ Factual 1912
9. Architect Unknown
10. Builder Unknown
11. Approx. property size (in feet) Frontage 140 Depth 100 or approx. acreage _____
12. Date(s) of enclosed photograph(s) May 1984

DP

13. Condition: Excellent X Good ____ Fair ____ Deteriorated ____ No longer in existence ____

14. Alterations: None apparent

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

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

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

18. Related features: None

SIGNIFICANCE

19. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site.)
This building was originally known as the Foy Apartments named after the first owner. When opened in 1912 these sixteen studio units were advertised as the most modern apartments in Modesto. Each apartment was equipped with two Murphy beds, one behind a leaded-glass China buffet in the dining room and the other behind a beveled wall mirror in the bedroom. The fold-away Murphy bed was the inovative creation of William A. Murphy in 1900.

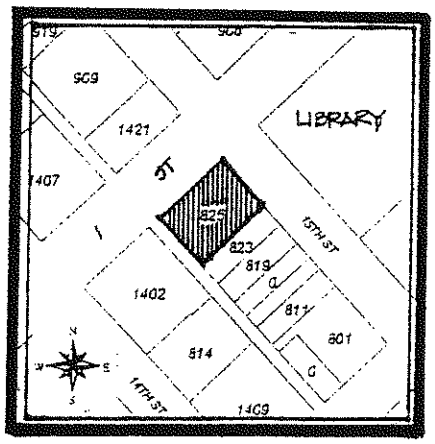
The building was purchased in 1917 by G. Lester James who owned it until 1942 when it was sold to Mr. and Mrs. Miller. The Miller Apartments have recently undergone a change of ownership as well as extensive renovation.

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

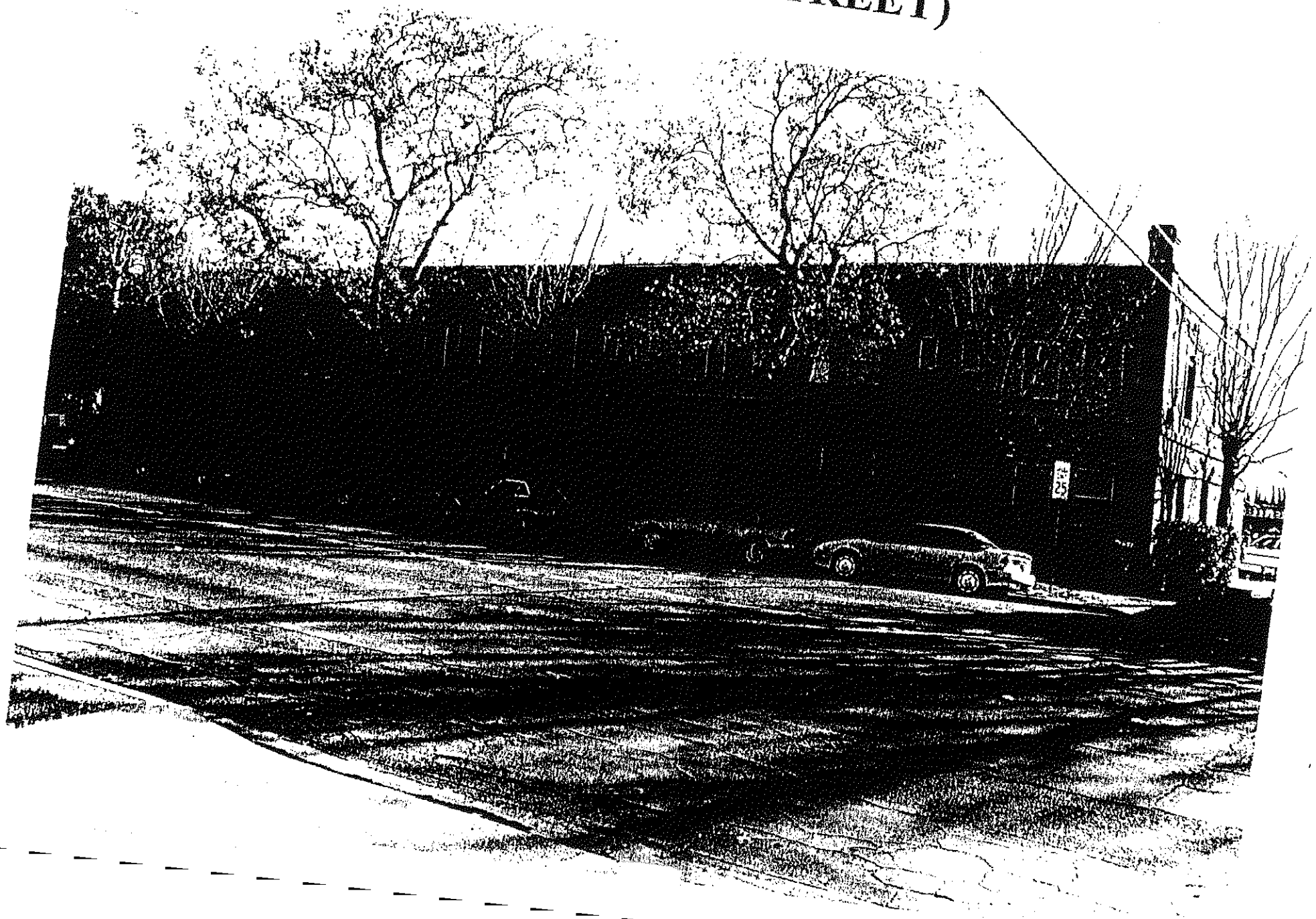
21. Sources (List books, documents, surveys, personal interviews and their dates).
Modesto City Directories 1911-41
Modesto Bee news article May 1984

22. Date form prepared Mar. 1984
By (name) Sally Melgard/Dena Boer
Organization S. C. H. S.
Address: P. O. Box 4363
City Modesto, CA Zip 95352
Phone: 527-3511/545-0202

Locational sketch map (draw and label site and surrounding streets, roads, and prominent landmarks):



RECENT PHOTO OF SITE
(1418 – 1430 I STREET)



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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-96

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO OF FORMATION, ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 2002-1 (NORTHPOINTE), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE DISTRICT, PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE DISTRICT, AND CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE SPECIAL TAX AND THE ESTABLISHMENT OF THE APPROPRIATIONS LIMIT TO THE QUALIFIED ELECTORS OF THE DISTRICT

WHEREAS, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), proceedings for the establishment of a community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to establish the community facilities district, and

WHEREAS, this Council also determines that it is in the best interests of the City that the above-mentioned community facilities district be established pursuant to Section 53313 of the Act in order to pay for certain services (the "Services"), more particularly described in Exhibit "A", and

WHEREAS, in the event the community facilities district ("District") is established, it is the intention of the Council to finance the costs of the Services through the levy of a special tax therein to be approved at an election to be held within the boundaries of the District, and

WHEREAS, there have been submitted to the Council proposed local goals and policies concerning the use of the Act, and

WHEREAS, Pelandale Development LLC, a California Limited Liability Company, is the owner of at least 10% of the property in the proposed community facilities district, have filed with the City Clerk of the City of Modesto (the "City") a petition, requesting the City Council (the "Council") to form Community Facilities

District No. 2002-1 of the City (the "District"), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act") in order: (i) to finance certain services (the "Services"), which are described in Exhibit "A" attached hereto; and

WHEREAS, the Council of the City did, on January 22, 2002, adopt its Resolution No. 2002-30, resolution of intention to establish the District, and levy a special tax therein, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, Resolution No. 2002-30 (1) describing the proposed boundaries of the District, the name of the District, and the types of services (the "Services") proposed to be financed by the District, (2) providing that, except where funds are otherwise available to pay for the Services, including the incidental expenses thereof, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all nonexempt real property in the District, will be levied annually within the boundaries of the District, (3) specifying the rate, method of apportionment, and manner of collection of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the maximum amount that he or she will have to pay, and (4) setting a hearing thereon, is incorporated herein by this reference, and

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

WHEREAS, this Council on February 26, 2002, held the public hearing as required by law relative to the proposed formation of the District, the levy of the special tax, and all other matters set forth in Resolution No. 2002-30, and

WHEREAS, prior to the hearing a map of the proposed boundaries of the District, entitled "Proposed Boundaries of CFD District No. 2002-1 (NorthPointe CFD No. 2002-1)" was recorded pursuant to Section 3111 of the California Streets and Highways Code in the office of the County Recorder of the County of Stanislaus, in Volume 3 of Maps of

Assessment and Community Facilities Districts, at page 56, and

WHEREAS, prior to the hearing a Public Report (the "Report") containing a description of the Services required to adequately meet the needs of the District and an estimate of the cost of providing the Services, was filed with this Council as a part of the record of the hearing and duly considered by this Council, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the formation of the District, the levy of the special tax, and all other matters set forth in Resolution No. 2002-30, including all interested persons or taxpayers for or against the establishment of the District, the extent of the District, or the furnishing of specific types of Services, were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters relating to the formation of the District, the levy of the special tax, and all other matters set forth in Resolution No. 2002-30, and

WHEREAS, Ryan D. Carrel, R.C.E. 61619, has certified there are less than twelve (12) registered voters residing in the District; accordingly, the qualified electors in the District are the landowners, and

WHEREAS, written protests against the establishment of the District, the furnishing of specified type or types of Services within the District as listed in the Report, or the levying of the special tax have not been filed with the City Clerk by fifty percent (50%) or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the District, or the owners of one-half (½) or more of the area of land in the territory proposed to be included in the District and not exempt from this special tax,

NOW THEREFORE, BE IT RESOLVED, that the Council hereby finds and determines as follows:

SECTION 1: The foregoing recitals are true and correct.

SECTION 2: The document entitled "Policies and Procedures for the Use of Mello-Roos

Community Facilities Act of 1982", ["Policies & Procedures"] (a copy of which is on file with the City Clerk), adopted by the Council on September 3, 1996, and as amended from time to time, was adopted by the City Council, pursuant to section 53312.7 of the Act, as the local goals and policies concerning the use of the Act by this City Council. It is the intention of the City Council that its Policies & Procedures be adhered to to the greatest extent practicable with respect both to the formation and administration of the District, and that such administration be vested in the District Administrator as the governing board of a local agency within the meaning of Section 53317(g) and (h) of the Act, and in accordance with the provisions of the Policies & Procedures as they may be amended from time to time.

SECTION 3: The proposed special tax to be levied in the District has not been precluded by majority protest pursuant to Section 53324 of the Act. All protests to the establishment of the District, the extent thereof, or the furnishing of the Services proposed therefor, or the levy of the special tax proposed to be levied in the District, are hereby overruled.

SECTION 4: As proposed in Resolution No. 2002-30, a community facilities district is hereby established pursuant to the Act, designated "Community Facilities District No. 2002-1."

SECTION 5:

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

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

SECTION 6: The Report related to the Services shall be a part of the record in these proceedings.

SECTION 7:

(a) As stated in Resolution No. 2002-30, except where funds are otherwise available, it is the intention of this Council, subject to the approval of the qualified electors of the District, to levy a special tax sufficient to finance the Services and to pay any other costs or expenses of the District authorized by the Act, secured by recordation of a continuing lien against all nonexempt real property in the District, and that a maintenance tax shall be levied annually within the boundaries of the District.

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

(c) It is the intention of the City Council that in the event all of the subject taxes are not approved by the qualified electors of the District at an election to be held subsequent to its approval of this resolution, that then, and in that event, the formation of the District approved herein shall be a nullity, and void from the date this resolution is approved.

SECTION 8: The description of the proposed voting procedure, as set forth in Resolution No. 2002-30, is incorporated herein by this reference, and shall be the voting procedure to be used in these proceedings.

SECTION 9: The office of the District Administrator is hereby designated as the office, department or bureau which will be responsible for annually preparing the current roll of special tax levy obligations by assessor's parcel number on nonexempt property within the District and which will be responsible for estimating future special tax levies. The name, address, and telephone number of the office of the Director Administrator, and the person responsible for administering the District, is as follows:

District Administrator
Modesto City Manager's Office
City Hall
1010 - 10th Street / P.O. Box 642
Modesto, California 95353
(209) 577-5223

Such office is hereby directed to establish procedures to promptly respond to inquiries concerning current and future estimated tax liability pursuant to Section 53340.2 of the Act.

SECTION 10: The District Administrator will be responsible for providing the proposed Services to be financed by the District. The District Administrator has caused to be prepared and filed with the Council a Public Report containing:

(a) a brief description of the Services by type which will in the District Administrator's opinion be required to adequately meet the needs to the District;
(b) an estimate of the cost of providing the Services; and
(c) an estimate of the fair and reasonable cost of incidental expenses (ad defined in Section 53317(e)) to be incurred in connection with providing the Services, including said costs and advances or work-in-kind, including but not limited to planning and engineering, as provided in Sections 53314.9, 53313.5(g) and 53318(d) of the Act..

The report shall be made a part of the record herein.

SECTION 11:

(a) The Council having adopted this Resolution of Formation establishing the District and submitting the levy of the special tax to the qualified electors of the District in a special election, such election shall be held at least ninety (90) days, but not more than one hundred eighty (180) days following the adoption of the resolution of formation. The City Clerk as the designated election official shall, within three (3) business days after the adoption of the resolution of formation, obtain a certified copy thereof, a certified map or sufficient scale and clarity to show the boundaries of the district, and a sufficient description to allow her to determine the boundaries of the District, and the assessor's parcel numbers for the land within the District.

(b) If the election is to be held less than one hundred twenty-five (125) days after the adoption of the resolution of formation, the concurrence of the City Clerk shall be required.

(c) Such time limits, or requirements pertaining to the conduct of the election, may be waived with the unanimous consent of the qualified electors of the District and the concurrence of the City Clerk.

(d) If at least twelve (12) persons, who need not necessarily be the same twelve (12) persons, have been registered to vote within the territory of the proposed District for each of the ninety (90) days preceding the close of the hearing, the vote shall be by the registered voters of the proposed District, with each voter having one vote.

(e) Otherwise, the vote shall be by the landowners of the proposed District and each landowner who is the owner of record at the close of the hearing, or the authorized representative thereof, shall have one (1) vote for each acre or portion of an acre of land that such landowner owns within the proposed District. The number of votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

(f) Ballots for the special election authorized may be distributed to qualified electors by mail with return postage prepaid or by personal service by the election official. The City Clerk may certify the proper mailing of ballots by an affidavit, which shall constitute conclusive proof of mailing in the absence of fraud. The voted ballots shall be returned to the City Clerk not later than the hour specified in the resolution calling the election. However, if all the qualified voters have voted, the election shall be closed.

(g) Except as otherwise provided in the Act, the provisions of law regulating elections of the City, insofar as they may be applicable, will govern the election. Except as provided in the next sentence, there shall be prepared and included in the ballot material provided to each voter an impartial analysis and arguments and rebuttals, if any, as provided in the California Elections Code. If the vote is to be by the landowners of the proposed District, analysis and arguments may be waived with the unanimous consent of all the landowners, and shall be so stated in the order for the election.

(h) If the election is to be conducted by mail ballot, the City Clerk shall provide ballots and election materials, together with all supplies and instructions necessary for the use and return of the ballot. The identification envelope for return of mail ballots used in landowner elections shall contain the following: (1) the name of the landowner; (2) the address of the landowner; (3) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope; (4) the printed name and

signature of the voter; (5) the address of the voter; (6) the date of signing and the place of execution of the declaration described in (3) above; and (7) a notice that the envelope contains the official ballot and is to be opened only by the canvassing board.

(i) The procedures set forth in this Section 15 for conducting the consolidated special election may be modified as the Council may determine to be necessary or desirable by a resolution subsequently adopted by the Council.

SECTION 12: Upon a determination by this Council, after the canvass of the returns of the election contemplated in Sections 11 and 12 hereof, that at least two-thirds (2/3) of the votes cast upon the question of levying the special tax were in favor thereof, the City Clerk shall record the notice of special tax lien provided for in Section 3114.5 of the California Streets and Highways Code. Upon recordation of the notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the District, and this lien shall continue in force and effect until collection of the tax by this Council ceases.

SECTION 13: All prior proceedings taken with respect to the establishment of the District were valid and in conformity with the requirements of the Act.

SECTION 14: In accordance with Section 53325.7 of the Act, the annual appropriations limit of the District, as defined by subdivision (h) of Section 8 of Article XIIIB of the California Constitution, is hereby preliminarily established at $1,000,000.00 and such annual appropriations limit shall be submitted to the voters of the District as hereafter provided. The proposition establishing the appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of Section 53325.7 of the Act.

SECTION 15:

(a) This Council hereby calls a special election and submits the question of levying the special tax, and the establishment of the annual appropriations limit for the District in connection therewith, to the qualified electors within the District, in accordance with and subject to the Act, the terms of which shall, unless waived as herein provided, be applicable to such election. The propositions shall be combined in a single ballot measure, substantially in the form set forth in Exhibit "B" hereto and by this reference incorporated herein.

(b) Fewer than twelve (12) persons have been registered to vote within the territory of the District for each of the ninety (90) days preceding the close of the hearing referenced herein. Accordingly, for the purposes of these proceedings, the qualified electors shall be the landowners within the District; the vote shall be by the landowners or their authorized representatives; each having one vote for each acre or portion thereof that such landowner owns in the District as of the close of the hearing; and the ballots for the special election shall be distributed by mail with return postage prepaid or by personal service to each such landowner; all as provided in Section 53326 of the Act.

(c) The Council hereby designates the City Clerk and the City Clerk hereby agrees to serve as the election official to conduct the election. The Stanislaus County Registrar of Voters has concurred in the City's designation of its City Clerk as the election official. The shortening of the election as herein provided is hereby concurred in by the City Clerk.

(d) If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the election by all of the owners of land included in the District (collectively, the "Landowners") on or before the 6th day of March, 2002, the election shall be held on the 6th day of March, 2002, or on such earlier date on which the City Clerk shall have received such waivers and completed ballots from all Landowners. Otherwise, the election shall be held on the first Tuesday after that date which is 90 days after the date this Resolution is adopted.

(e) Unless waived with the consent of all the Landowners, there shall be prepared and included in the ballot material provided to each voter an impartial analysis and arguments and rebuttals, if any, as provided in Section 53327(b) of the Act. The election shall be conducted by the City Clerk in the manner required by this resolution, the Act and applicable laws.

(f) The publication of this resolution as notice of the special election is hereby waived provided the City Clerk shall receive consent to such waiver from the landowners.

SECTION 16: This Council hereby further directs that at the election at which the question of levying the special tax and the establishment of an appropriations limit in connection therewith is submitted to the qualified electors within the District the question of levying the special tax shall be combined in one ballot proposition with the question of establishing an appropriations limit for the District, all as provided by the Act. In addition, the giving of statutory notice of the election is waived if the City Clerk shall receive unanimous consent to such waiver from the Landowners.

SECTION 17: If two-thirds (2/3) of the votes cast upon the question of levying the special tax are cast in favor of levying the tax, as determined by this Council after the canvass of the returns of such consolidated election, this Council may levy the special tax within the territory of the District in the amount and for the purposes as specified in this Resolution. The special tax may be levied only at the rate and may be apportioned only in the manner specified in this Resolution, subject to the Act, except that the special tax may be levied at a lower rate.

SECTION 18: The City Clerk, as the designated election official, shall, within three business days after its adoption, obtain a certified copy of this Resolution; the City Clerk has previously been provided with a map of the boundaries of the District, a sufficient description from which to determine the boundaries of the District, and the assessor's parcel numbers for the land within the District.

SECTION 19: The Council hereby determines that the formation of the proposed District is categorically exempt from the provisions of C.E.Q.A. pursuant to Section 15320 of the C.E.Q.A. guidelines. The Council further determines that the environmental impacts of provision of the Services has been adequately addressed by the Environmental Impact Report (SCH No. 94082005) prepared for Kiernan Business Park and the Carver-Bangs

Specific Plan Area, adopted by this Council, and that said Environmental Impact Report was prepared pursuant to Section 21157.5 of CEQA and finds that although the project could have a significant effect on the environment, there would not be a significant effect because appropriate mitigation measures have been added to the project.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: FROHMAN

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Public Report

CITY OF MODESTO
NORTHPOINTE
COMMUNITY FACILITIES DISTRICT NO. 2002-1

CFD REPORT

January 2, 2002

Prepared By:

Goodwin Consulting Group, Inc.
701 University Avenue, Suite 225
Sacramento, CA 95825
(916) 561-0890

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	C.	CFD Special Tax Structure	2
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Appendix A: CFD Boundary Map
Appendix B: Rate and Method of Apportionment of Special Tax
Appendix C: Services to be Funded by CFD No. 2002-1

I. *INTRODUCTION*

On April 1, 1997, the City Council of the City of Modesto approved the Kiernan Business Park Specific Plan which sets forth a plan of development for approximately 614 acres that were, at that time, located adjacent to the City's northern border, east of Highway 99 and south of Kiernan Avenue in a portion of unincorporated Stanislaus County. To date, approximately 250 acres within the Specific Plan area have been annexed into the City, of which almost 55 of these acres are included within the NorthPointe project.

The intent of the Kiernan Business Park Specific Plan is to provide for the development of new business park and industrial uses, which will assist in implementing the City's long-range objectives to enhance its local economy, generate jobs for residents, and create a better jobs/housing balance. The NorthPointe project has already furthered these objectives by securing Costco and Lowe's as tenants.

II. *STRUCTURE OF COMMUNITY FACILITIES DISTRICT NO. 2002-1*

A. Introduction

A Mello-Roos CFD may provide for the purchase, construction, expansion or rehabilitation of any real or tangible property, including public facilities and infrastructure improvements, with an estimated useful life of five (5) years or longer, which is necessary to meet increased demands placed upon local agencies as a result of development or rehabilitation occurring within the CFD. In addition, a CFD may pay for various public services and maintenance of public improvements, including parkways and open space.

A resolution was adopted by the Modesto City Council stating its intention to form CFD No. 2002-1. After a public hearing and a successful election by the landowners within the CFD, the CFD will be formed and the levy of a special tax will be authorized.

B. Boundaries of NorthPointe CFD

The boundaries of the CFD include the two assessor's parcels on which Costco and Lowe's are located, as well as six additional assessor's parcels which are anticipated for future commercial and industrial development. Assessor's parcel number 078-14-43 is included within the boundaries of CFD No. 2002-1 but will not be subject to the levy of special taxes until a building permit for new construction on the parcel has been issued by the City. This Parcel is identified as "Zone 2" for purposes of the special tax levy, as discussed further below. The other parcels within the CFD make up Zone 1 for purposes of the Rate and Method of Apportionment of Special Tax. A copy of the boundary map for CFD No. 2002-1 is included as Appendix A of this Report.

C. CFD Special Tax Structure

Each year a special tax will be levied and collected from parcels within the CFD to pay costs associated with the installation and maintenance of landscaping of a storm drain basin, maintenance of the basin and access road, and replacement of a storm drain pump station. The Rate and Method of Apportionment of Special Tax ("RMA"), which describes in detail how the tax will be allocated among properties in the CFD, is included as Appendix B of this report.

As explained in the RMA, two different special taxes will be levied within the CFD. First, a "One-Time Special Tax" will be levied to pay for the initial installation of landscaping around the storm drain basin, installation of water service and meter, CFD formation costs, and administration and contingency associated with these costs. The One-Time Special Tax will be levied on all property in the CFD except property within Zone 2, which is currently identified by Assessor's Parcel number 078-14-43. The maximum One-Time Special Tax that can be levied within Zone 1 of the CFD is $3,859 per acre. In addition, an "Annual Special Tax" will be levied on all property in the CFD, including property in Zone 2 once a building permit for new construction has been issued for property within Zone 2. Each Fiscal Year, the Annual Special Tax will be levied up to the amount needed to pay authorized expenses of the CFD; such amount will be identified in a budget set forth by the District Administrator. The maximum Annual Special Tax for fiscal year 2001-02 is $2,005 per acre prior to a building permit being issued within Zone 2 and $1,273 per acre after a permit is issued in Zone 2.

A portion of the Annual Special Tax is being collected to create a sinking fund for replacement of the storm drain pump station. The sinking fund portion of the Annual Special Tax will not escalate in future years; the remainder of the Annual Special Tax will increase each year beginning January 2002 by applying the greater of (i) the percentage increase, if any, in the Engineering News Record construction cost index for the San Francisco region for the prior twelve moth period, or (ii) four percent (4%).

III. DESCRIPTION OF SERVICES AND EXPENSES TO BE FUNDED BY CFD NO. 2002-1

The individual line-item service and improvement costs to be funded by CFD No. 2002-1 are identified in Appendix C of this report.

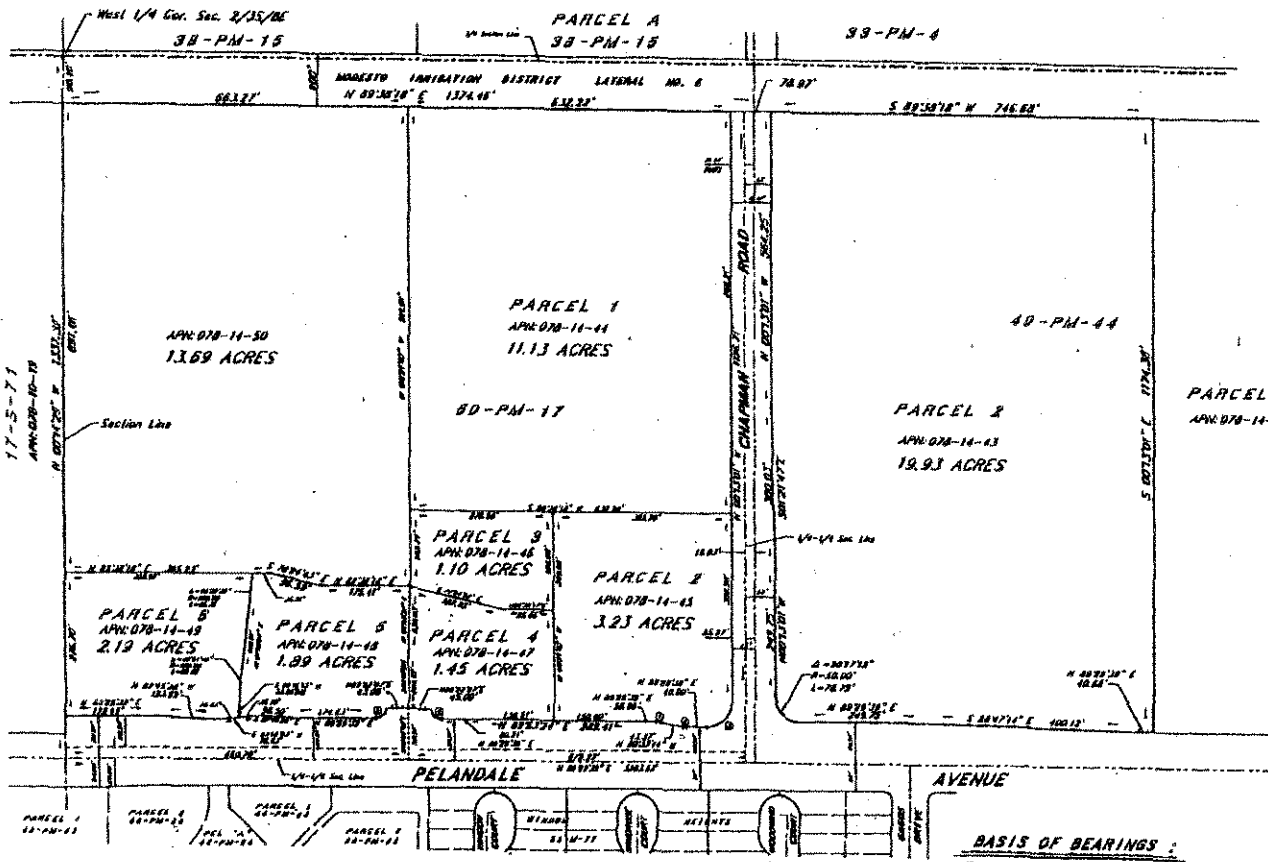
APPENDIX A

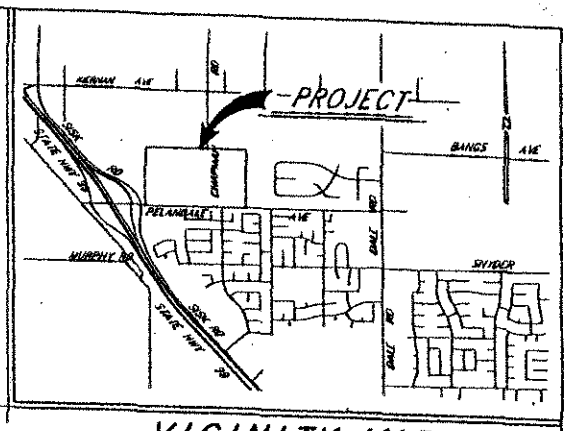
NORTHPOINTE COMMUNITY FACILITIES DISTRICT NO. 2002-1 OF THE CITY OF MODESTO

CFD BOUNDARY MAP

NORTHPOINTE CFD NO. 2002-1

PROPOSED BOUNDARIES OF CFD DISTRICT NO. 2002-1
CITY OF MODESTO , COUNTY OF STANISLAUS
STATE OF CALIFORNIA





VICINITY MAP
NO SCALE

Filed this _____ day of _____, 2001, at the hour of _____ o'clock ____ m. in Volume _____ of Maps of Assessment and Community Facilities Districts at page(s) _____ in the Office of the County Recorder of the County of Stanislaus, State of California.

KAREN MATHEWS, County Recorder of the County of Stanislaus, State of California

I hereby certify that this map was approved by the City Council of the City of Modesto at a regular meeting thereof, held on the _____ day of _____ 2001, by its Resolution No. _____

JEAN ZAHR, City Clerk

Filed in the Office of the City Clerk of the City of Modesto in recordable form this _____ day of _____, 2001.

JEAN ZAHR, City Clerk

BASIS OF BEARINGS :

The bearing of North 78°58'47" West between GPS Monuments 3721 and 3720 as shown in Book 32 of Surveys at Page 51, Stanislaus County Records, was used as the basis for all bearings shown hereon.

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	BEARING
C1	01°52'47"	40.00	13.13	6.62	13.07	N87°51'54"E
C2	01°52'20"	40.00	13.08	6.58	13.02	S89°51'54"E
C3	89°42'46"	28.00	43.84	27.81	39.50	S44°38'11"E
C4	90°17'14"	28.00	44.13	28.19	39.71	S45°21'49"W
C5	01°52'20"	40.00	13.08	6.58	13.02	S89°51'54"E
C6	89°42'46"	28.00	43.84	27.81	39.50	N44°38'11"E

SNYDER ROAD

Job No. 70-817(engr&fin-c)

APPENDIX B

NORTHPOINTE COMMUNITY FACILITIES DISTRICT NO. 2002-1 OF THE CITY OF MODESTO

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

APPENDIX B

CITY OF MODESTO
NORTHPOINTE COMMUNITY FACILITIES DISTRICT NO. 2002-1

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A special tax applicable to each Assessor's Parcel in NorthPointe Community Facilities District No. 2002-1 (herein "CFD No. 2002-1") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2002-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2002-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final subdivision map or other parcel map recorded at the Stanislaus County Recorder's Office.

"Annual Special Tax" means a special tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement.

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

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

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2002-1.

"Developed Property" means, in any Fiscal Year, that a building permit for new construction was issued on or prior to June 30 of the preceding Fiscal Year.

"District Administrator" means the individual(s) designated by the City Council to administer the CFD in accordance with the authority and powers granted by the City Council to said individual(s).

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

"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year to (i) pay authorized maintenance expenses, (ii) create a sinking fund for replacement of facilities, (iii) pay administrative expenses of CFD No. 2002-1, (iv) cure any delinquencies in the payment of Annual Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Annual Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected, and (v) maintain a reasonable reserve, as determined by the District Administrator, for unforeseen expenses, cost overruns, etc.

"Maximum Special Tax" means the maximum Annual Special Tax and the maximum One-Time Special Tax, determined in accordance with Section C below that can be levied on Taxable Property in any Fiscal Year.

"One-Time Special Tax" means the special tax set forth in Section C below that will be levied once on all Parcels in the CFD, with the exception of Parcels within Zone 2.

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

"Taxable Property" means all of the Assessor's Parcels within the boundaries of CFD No. 2002-1 which are not exempt from the One-Time Special Tax and Annual Special Tax pursuant to law or Section E below.

"Zone 1" means all Parcels within CFD No. 2002-1 that are not included within Zone 2, as defined below.

"Zone 2" means all property included within the geographic area identified by Assessor's Parcel number 078-14-43 in Fiscal Year 2001-02.

B. STATUS OF DEVELOPMENT IN ZONE 2

On or about July 1 of each Fiscal Year, the District Administrator shall determine whether any property within Zone 2 has become Developed Property. To the extent the original Assessor's Parcel included within Zone 2 has been subdivided, all of the subsequent Parcels shall be considered Developed Property if a building permit has been issued for any Parcel within Zone 2.

C. MAXIMUM SPECIAL TAX

1. One-Time Special Tax

The maximum One-Time Special Tax that can be levied on Parcels of Taxable Property within Zone 1 is $3,859 per Acre. After the One-Time Special Tax has been levied on and collected from all Parcels within Zone 1, no additional One-Time Special Tax shall be levied within the CFD unless a separate One-Time Special Tax is approved for property that subsequently annexes into the CFD. No One-Time Special Tax shall be levied on property within Zone 2.

2. Annual Special Tax

Ultimately, all Taxable Property within the CFD shall be subject to an Annual Special Tax that will be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. Until Zone 2 becomes Developed Property, no Annual Special Tax shall be levied on any property within Zone 2. Once Zone 2 becomes Developed Property, all Parcels of Taxable Property within Zone 2 shall be subject to the Annual Special Tax levy in the then current and all future Fiscal Years.

The following maximum rates apply to all Parcels of Taxable Property within CFD No. 2002-1 for each Fiscal Year in which the Annual Special Tax will be levied. The appropriate Maximum Special Tax will be applied depending on whether property within Zone 2 has become Developed Property:

TABLE 1
Maximum Annual Special Tax
Fiscal Year 2001-02

Status of Development in Zone 2	Maximum Maintenance Portion of Annual Special Tax (fy 2001-02)	Maximum Sinking Fund Portion of Annual Special Tax	Total Maximum Annual Special Tax (fy 2001-02)
Zone 2 is not Developed Property	$1,879 per Acre	$126 per Acre	$2,005 per Acre
Zone 2 is Developed Property	$1,193 per Acre	$80 per Acre	$1,273 per Acre

Beginning in January 2002, the maintenance portion of the maximum Annual Special Tax shall be adjusted annually by applying the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as

published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maintenance portion of the maximum Annual Special Tax shall become effective on the subsequent July 1. The sinking fund portion of the maximum Annual Special Tax shall not escalate.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. One-Time Special Tax

The One-Time Special Tax shall be levied by the District Administrator through a direct billing or on the County tax roll. If levied through a direct billing, the District Administrator shall identify a date by which the One-Time Special Tax is due, and the One-Time Special Tax shall be immediately delinquent if not paid by such date.

2. Annual Special Tax

Each Fiscal Year, the District Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Special Tax shall then be levied on all Parcels of Taxable Property as follows:

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

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

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

Step 4: Levy the Annual Special Tax against all Parcels of Taxable Property in equal percentages up to 100% of the maximum Annual Special Tax determined pursuant to Section C above.

The Annual Special Tax for CFD No. 2002-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes provided, however, that CFD No. 2002-1 may (under the authority of Government Code Section 53340) in any particular case bill the taxes directly to the property owner off the County tax roll, and the Annual Special Tax will be equally subject to foreclosure if delinquent.

E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no One-Time Special Tax or Annual Special Tax shall be levied on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982. In addition, no One-Time Special Tax shall be levied in any Fiscal Year on Parcels in Zone 2, and no Annual Special Tax shall be levied on Parcels in Zone 2 until at least one Parcel within Zone 2 becomes Developed Property.

F. ENFORCEMENT

All delinquent One-Time Special Taxes, or delinquent Annual Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1½% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent special taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

APPENDIX C

NORTHPOINTE COMMUNITY FACILITIES DISTRICT No. 2001-1 OF THE CITY OF MODESTO

DETAIL OF EXPENSES TO BE FUNDED BY CFD

NorthPointe CFD No. 2001-1

Overview - Storm Drain Basin Expenses

(Combination - Rebuild & Replace Pumps)

Description	One-Time Expense	Annual Expense
Weed Control & Litter Pick-Up (excludes repair for fence)		$2,000.00
Landscape Permieter - area between MID lateral and basin (7,380 sf x. $2.50)	$18,450.00	
Landscape Perimeter - Remainder of Basin Area (appx 10000 sf x $2.50)	$25,000.00	
Maintain Median (includes maint, replacement, repair) 11,000 sq ft x $.61		$6,710.00
Maintain Permieter - area between MID lateral and basin (7,380 sf x. $.61)		$4,501.80
Maintain Perimeter - Remainder of Basin Area (appx 10000 sf x $.61)		$6,100.00
Subtotal - Submitted by Recreation & Neighborhoods	$43,450.00	$19,311.80
Maintenance Mechanic		$3,867.18
Crew Leader		$328.36
Supervisor		$137.39
Electrician		$273.24
Equipment		
GRW Service Vehicle		$492.96
1/2 ton full size pick-up truck		$28.44
1/2 4x4 full size pick-up truck		$10.00
1 ton van w/ aerial lift		$44.3
Materials - turbine oil		$25.0
Erosion repair & silt excavation		$2,400.00
Fence Repair		$800.00
County Property Tax for 5.5 acres (Based on $315,000 paid for 2.5 acres)		$6,930.00
Annual lab tests		$1,747.00
MID Power Costs		$4,400.00
Removal of contaminated dirt		$1,140.00
Repair Berm/Irrigation Line		$1,500.00
Maintenance of Access Road		$1,200.00
Subtotal - Submitted by Operations & Maintenance	$0.00	$25,323.94
Replacement - Storm Drain Pump Station (20 year life span) *[includes pumps & controls]*		$4,125.00
Installation of water service and meter	$4,000.00	
Maintenance of water service and meter		$10.00
Annual cost for water		$1,000.00
Subtotal - Submitted by Engineering & Transportation	$4,000.00	$5,135.00
Administration (7% of total cost)	$3,321.50	$3,483.95
Contingency (25%)	$11,862.50	$12,442.68

	One-Time Expense	Annual Expense
TOTAL	$62,634.00	$65,697.37

Prepared by TMR - August 21, 2001

EXHIBIT "B"

SAMPLE BALLOT

SAMPLE

OFFICIAL BALLOT

COMMUNITY FACILITIES DISTRICT NO. 1996-1(8)
OF
THE CITY OF MODESTO
STATE OF CALIFORNIA
SPECIAL TAX ELECTION
March 19, 2002

BALLOT NO. 1

50% of land in territory proposed to be included in District
You are entitled to cast 36 votes
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO". All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, call the Office of the City Clerk of the City of Modesto as soon as possible at (209) 577-5396, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. for instructions.

MARK YOUR CHOICE IN THIS MANNER ONLY: [X]

MEASURE SUBMITTED
TO VOTE OF VOTERS

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

YES [ ]

NO [ ]

BALLOT NO. 1

50% of land in territory proposed in the formation of the District
THIS BALLOT HAS A VALUE OF 36 VOTES

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-97

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO APPROVING THE ISSUANCE OF CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY REVENUE BONDS (SUTTER HEALTH), SERIES 2002 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $250,000,000 FOR THE PURPOSE OF FINANCING AND REFINANCING THE ACQUISITION, IMPROVEMENT AND EQUIPPING OF MEMORIAL HOSPITALS ASSOCIATION AND CERTAIN OTHER MATTERS RELATING THERETO

WHEREAS, Sutter Health, a California nonprofit public benefit corporation (the "Corporation"), has requested that the California Statewide Communities Development Authority (the "Authority") participate in the issuance of revenue bonds in an aggregate principal amount not to exceed $250,000,000 (the "Bonds") for the acquisition, improvement and equipping of the medical facility known as Memorial Hospitals Association (the "Facilities") to be owned and operated by the Corporation (or an affiliate of the Corporation) and located within the City of Modesto (the "City") and other facilities located outside of the City; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the "Code"), the issuance of the Bonds by the Authority must be approved by the City because the Facilities are located within the territorial limits of the City; and

WHEREAS, the City Council of the City (the "City Council") is the elected legislative body of the City and is one of the applicable elected representatives required to approve the issuance of the Bonds under Section 147(f) of the Code; and

WHEREAS, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 9 of the Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among certain local agencies, including the City; and

WHEREAS, pursuant to Section 147(f) of the Code, the City Council has, following notice duly given on February 11, 2001, held a public hearing on February 26, 2001, regarding the issuance of the Bonds, and now desires to approve the issuance of the Bonds by the Authority;

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

Section 1. The City Council hereby approves the issuance of the Bonds by the Authority for the purposes of acquiring, improving and equipping the Facilities. It is the purpose and intent of the City Council that this resolution constitute approval of the issuance of the Bonds by the Authority, for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Facilities are located, in accordance with said Section 147(f) and (b) Section 9 of the Agreement.

Section 2. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

Section 3. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following votes:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
MIKE MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-98

Print

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

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

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

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

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

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

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

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Frohman

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-99

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

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

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

WHEREAS, this change is consistent with Policy 6.005, and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the name of the City park known as West Side Park, located at 619 Sierra Drive, is hereby changed to Cesar E. Chavez Park..

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: FROHMAN

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-100

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

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

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

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

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

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

Community Facilities Districts Administrative Officer

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

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

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

Maintenance Worker I/II

This classification is being amended as a result of the needs of the position assigned to the Operation and Maintenance Department.

The specification for the classification of Maintenance Worker, as shown on the attached Exhibit "B" which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CITY OF MODESTO March, 2002
No. 3507

COMMUNITY FACILITIES DISTRICTS ADMINISTRATIVE OFFICER

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

DEFINITION

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

SUPERVISION RECEIVED AND EXERCISED

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

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

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

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

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

Supervise the preparation of personnel documents and payroll.

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

Participate in the selection of staff, provide or coordinate staff training, work with employees to improve performance; and implement disciplinary procedures as necessary

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (Continued)

Essential functions:

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

Conduct comprehensive cost benefit analyses.

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

Recommend and negotiate terms and conditions of various contracts.

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

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

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

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

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

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

Revise and develop fees.

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

Evaluate operations and activities of assigned responsibilities. Recommend improvements and modifications. Prepare various reports on operations and activities.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (continued)

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

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (continued)

Review administrative practices and make recommendations for improvements.

Provide economic and statistical analysis.

Present oral and written reports.

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

Marginal functions:

Perform related duties as assigned.

Qualifications

Knowledge of:

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

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

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

Application of statistical methods to management analysis.

Modern office procedures, methods to management analysis.

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

Advanced methods of report preparation and presentation.

QUALIFICATIONS – (Continued)

Knowledge of:

Technical report writing procedures.

Administrative research techniques, sources and availability of information.

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

Ability to:

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

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

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

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

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

Delegate authority and responsibility.

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

Devise and operate effective internal control procedures.

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

Prepare, receive and control sensitive, confidential information.

QUALIFICATIONS – (Continued)

Ability to:

Plan, initiate and complete work assignments with a minimum of direction and explanation.
Read, understand and apply complex materials.

Establish comprehensive record keeping system.

Administer contracts.

Communicate clearly and concisely, both orally and in writing.

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

Identify and respond to public and City Council issues and concerns.

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

Experience and Training Guidelines

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

Experience

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

Training

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

License or Certificate

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

WORKING CONDITIONS:

Environmental Conditions:

Office environment.

Physical Conditions;

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

EXHIBIT "B"

CITY OF MODESTO
No. 6707
No. 6705

March, 2002

MAINTENANCE WORKER I
MAINTENANCE WORKER II

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

DEFINITION

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

DISTINGUISHING CHARACTERISTICS

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

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

Maintenance Work II - This is the full journey level class within the Maintenance Worker series. Employees within this class are distinguished from the Maintenance Worker I by the performance of the full range of duties as assigned, including the ability to work independently exercising judgment and initiative and the ability to operate the full range of tools and mechanical equipment related to a specific assignment. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and they are fully aware of the operating procedures and policies of the work unit. Level I/II positions assigned to the Parks Division of Operations and Maintenance are subject to assignment to weekend work during the summer months and may not be able to schedule vacation at that time.

SUPERVISION RECEIVED AND EXERCISED

Maintenance Worker I

Receives immediate supervision from higher level supervisory and management staff.

Maintenance Worker II

Receives general supervision from higher level supervisory and management staff.

Exercises functional and technical supervision over lower level maintenance staff.

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

Essential functions:

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

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

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

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

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

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

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

Maintain and repair public sprinkler systems.

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

Identify equipment needs for each assigned project.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (Continued)

Pick up and transport refuse to the appropriate dumping site.

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

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

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

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

Document and maintain inventory records of assigned area.

Perform work in emergency situations as required.

Maintain a variety of maintenance records.

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

Work independently in the absence of supervision.

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

Read and interpret basic maps and blueprints.

Marginal functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Uses and purposes of general construction tools and equipment.

Safe work practices.

QUALIFICATIONS – (continued)

In addition, for Maintenance Worker II:

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

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

Ability to:

Understand and follow oral and written directions.

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

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

In addition, for Maintenance Worker II:

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

Experience and Training Guidelines

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

Maintenance Worker I

Experience:

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

Training:

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

License or Certificate

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

Maintenance Worker II:

Experience:

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

Training:

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

License or Certificate:

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

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-101

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2001-270 TO AMEND THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGE FOR THE CLASSIFICATION OF COMMUNITY FACILITIES DISTRICTS ADMINISTRATIVE OFFICER EFFECTIVE MARCH 6, 2002.

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

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

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

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after March 6, 2002.

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **March 6, 2002**

RANGE	TITLE
407	Administrative Clerk II (Confidential)
408	
409	Police Clerk (Confidential)
410	
411	
412	
413	Administrative Technician (Confidential) Senior Personnel Clerk
414	
415	Secretary
416	
417	
418	Legal Secretary
419	Police Training and Records Technician (Confidential) Public Information Technician (Confidential)
420	Accountant I (Confidential) Deputy City Clerk Employee Benefits Coordinator Executive Secretary Legal Services Technician Systems Technician Workers' Compensation Claims Examiner I
421	

RANGE	TITLE
422	Office Supervisor Utility Dispatch Supervisor
423	Custodian Supervisor
424	Assistant Planner Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant
426	Police Support Services Supervisor Stores Manager
427	Assistant City Clerk/Auditor Legal Services Administrator
428	Accountant II Budget Analyst Customer Services Specialist Customer Services Supervisor Senior Buyer
429	
430	Associate Planner Events Supervisor I Junior Civil Engineer Senior Crime Analyst Social Services Program Supervisor

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

RANGE	TITLE
437	Deputy City Attorney I
438	Budget Officer Communications and Marketing Manager Development and Operations Coordinator Financial/Investment Officer Housing Program Supervisor Land Surveyor Property Agent Purchasing Supervisor Systems Engineer Transportation Planner
439	Administrative Services Officer **Community Facilities Districts Administrative Officer**
440	Associate Civil Engineer Associate Traffic Engineer
441	Airport Manager Assistant Personnel Director Building Maintenance Superintendent Deputy City Attorney II Fire Marshal Fleet Manager Golf Services Manager Parks Operations Superintendent Parks Planning and Development Manager Police Records Manager Recreation Superintendent Risk Manager Solid Waste Program Manager Streets Engineer Transit Manager Urban Forestry Superintendent Wastewater Collections Superintendent Water Superintendent

RANGE	TITLE
442	Customer Services Division Manager Information Services Manager Manager of Budget and Financial Analysis Supervising Building Inspector Supervising Construction Inspector
443	Senior Deputy City Attorney I
444	Business Development Manager Deputy Chief Building Official General Services Manager Principal Planner
445	Accounting Division Manager Housing and Neighborhoods Division Manager
446	Water Quality Control Superintendent
447	Assistant to City Manager Chief Building Official Planning Division Manager Senior Civil Engineer Traffic Engineer
448	
449	Senior Deputy City Attorney II
450	
451	
452	Deputy Director – Cultural and Enterprise Services Deputy Director – Engineering & Transportation Deputy Director of Finance Deputy Director – Operations and Maintenance Deputy Director – Recreation and Neighborhoods
453	

RANGE	TITLE
455	Assistant City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-102

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

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

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

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

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after March 12, 2002.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CORRECTION 3-18-02 **EXHIBIT "I"**

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective **March 12, 2002**

RANGE	TITLE
1410	City Clerk/Auditor
1411 – 1417	
1418	
1419	
1420	Finance Director Operations and Maintenance Director **Personnel Director** Recreation and Neighborhoods Director
1421	
1422	Community Development Director
1423	Engineering and Transportation Director
1424	
1425	**Fire Chief** Police Chief
1426	
1427	Deputy City Manager
1428	City Attorney
1429 – 1432	
1433	City Manager

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-103

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the bid for Safariland Zero G body armor to L.C. Action, for the total cost of $91,087.00 and authorize the Purchasing Supervisor to purchase the body armor,

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-104

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

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

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

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

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

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-105

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

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

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said contract documents.

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

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

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-106

A RESOLUTION AMENDING THE FISCAL YEAR 01-02 CAPITAL IMPROVEMENT PROGRAM TO RE-ALLOCATE FUNDING IN PROJECT 1300-180-M163, WESTSIDE SERVICE CENTER TO A NEW PROJECT 1130-310-M163, MODESTO WESTSIDE SERVICE CENTER

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

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

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

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

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-107

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

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

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

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

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

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

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

and

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

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

WHEREAS, the Citizens Housing and Community Development Committee met on January 18, 2002, and approved the policy as recommended by staff,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a process for federally funded loans initiated by the Parks, Recreation and Neighborhoods Department as follows:

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

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

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

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

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

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

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

Attest: Jean Zahr
JEAN ZAHR, City Clerk

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-108

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

WHEREAS, the City of Modesto and County of Stanislaus entered into an Agreement for Animal Control Shelter Services on February 28, 1972, and

WHEREAS, said Agreement was for a term of thirty (30) years, thus expiring on February 28, 2002, and

WHEREAS, the parties now wish to enter into a new Agreement with different conditions, promises and covenants, and

WHEREAS, the 1972 Agreement specifically authorizes an Amendment to the Agreement at any time by mutual agreement of the parties in writing, and

WHEREAS, the parties understand and agree it is necessary to extend the term of the 1972 Agreement in order to allow the parties sufficient time to negotiate, prepare and to submit said Agreement to their respective agencies for approval, and

WHEREAS, the parties agree to amend the 1972 Agreement so that the conditions, promises and covenants of that Agreement are in effect for a term beginning on March 1, 2002, and terminating on April 30, 2002, a copy of the Amendment is attached to this Resolution, and

WHEREAS, it is necessary for the City Council to adopt a resolution authorizing the City Manager to execute the Amendment to the 1972 Agreement.

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

The City Manager is hereby directed to execute an Amendment to the 1972 Animal Control Shelter Services Agreement extending the conditions, promises and covenants of that Agreement for a term to begin on March 1, 2002, and to terminate on April 30, 2002.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-109

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

WHEREAS, the bids received for "ORANGEBURG AVENUE WATERLINE" were opened at 11:00 a.m. on February 19, 2002, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $206,465.20 received from Mozingo Construction, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $206,465.20 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-110

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT A REQUEST FOR BIDS FOR A GRAVITY BELT THICKENER (GBT)

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

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

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

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

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

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

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

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

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

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

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-111

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

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

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 2nd day of October, 2000, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Olympic Park Unit No. 3 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

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

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

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

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

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

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-112

Print

A RESOLUTION APPROVING THE FINAL MAP AND ACCEPTING PUBLIC IMPROVEMENTS, EXCEPT LANDSCAPING AND IRRIGATION IMPROVEMENTS, OF THE OLYMPIC PARK UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

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

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 17th day of March, 1997, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Olympic Park Unit No. 2 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements, except Landscaping and Irrigation Improvements, in said tract be accepted; that the dedications for streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract and file a Notice of Completion on behalf of the City of Modesto after the fees and

deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

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

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-113

A RESOLUTION ACCEPTING IMPROVEMENTS IN ENTERPRISE BUSINESS PARK AND AUTHORIZING RELEASE OF BONDS

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

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

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

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

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

1. The improvements in Enterprise Business Park Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the letter of credit for faithful performance in the amount of $1,011,000 upon recordation of the notice of completion.
3. The City Clerk is hereby authorized to release the letter of credit for labor and materials in the amount of $505,500 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty to guarantee improvements in the amount of $101,100 one year and one day following the effective date of this resolution, provided no claim is made thereon.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-114

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

WHEREAS, FERNWOOD PROPERTIES LLC, a California Limited Liability Company, by its Manager Member, BENNETT DEVELOPMENT, INC., a California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 10.12 acres, known as Fernwood Phase 3 in the Village One Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 25th day of January, 1999, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said FERNWOOD PHASE 3 meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

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

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

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-114

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

WHEREAS, FERNWOOD PROPERTIES LLC, a California Limited Liability Company, by its Manager Member, BENNETT DEVELOPMENT, INC., a California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 10.12 acres, known as Fernwood Phase 3 in the Village One Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 25th day of January, 1999, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said FERNWOOD PHASE 3 meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

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

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

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-115

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

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

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 7th day of May, 2001, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements in said tract be accepted; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract and file a Notice of Completion on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid. Also, the City Clerk is hereby authorized to release the warranty security to guarantee improvements in the amount of $20,000 Certificate of Deposit one year and one day following the effective date of this resolution, provided no claim is made thereon.

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

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2001-116

A RESOLUTION ORDERING THE ENGINEERING AND TRANSPORTATION DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISION NOS. 1-6.

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivision Nos. 1-6 the Engineering and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 1, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2001-117

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivision Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units No. 1 & 2, the Engineering and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 2, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-118

A RESOLUTION AUTHORIZING THE AWARD OF ANNUAL WELL REHABILITATION TO DON PEDRO PUMP AS THE PRIMARY PROVIDER, HOWK SYSTEMS AS THE SECONDARY AND HENNINGS BROTHERS AS THE THIRD PROVIDER FOR AN ESTIMATED ANNUAL COST OF $80,000.00, WITH TWO (2) ONE-YEAR EXTENSION OPTONS.

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that the Council hereby authorizes the resulting price agreements for a period of one (1) year, with two (2), one-year extension options.

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-119

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

WHEREAS, the City of Modesto has deemed it necessary to purchase pump station rejuvenation, and

WHEREAS, the estimated annual cost for the well rehabilitation is $500,000.00 annually, and

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

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

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

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

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

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

BE IT FURTHER RESOLVED that the Council hereby authorizes the resulting price agreement for a period of one (1) year, with two (2), one-year extension options.

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-120

A RESOLUTION AUTHORIZING THE PURCHASE OF A 7-TON VIBRATORY ROLLER AND TRAILER FROM HOLT BROTHERS OF CALIFORNIA FOR A TOTAL COST OF $97,352.00.

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

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that purchase of the 7-ton vibratory roller from Holt Brothers of California for $97,352.00 is hereby approved.

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-121

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

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

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

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

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-122

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

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

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

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

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

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

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council at the conclusion of the hearing was fully advised as to all

matters related to the proposed annexation and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, and

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

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

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

SECTION 1 . The foregoing recitals are true and correct.

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

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

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

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

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

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

they are in addition to those provided in the Annexed Territory before the territory was annexed to the District.

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

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

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

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

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

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

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

SECTION 8. It is hereby found that there were fewer than twelve registered voters registered to vote within the Annexed Territory on any one day during the ninety

days preceding the close of the protest hearing. Pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Annexed Territory and each landowner who is the owner of record at the close of the Hearing, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that he or she owns within the Annexed Territory. The number of votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

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

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

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

SECTION 10. Unless waived with the unanimous consent of all the Landowners, there shall be prepared and included in the ballot material provided to each voter an impartial analysis pursuant to Section 5011 of the California Elections Code (the

"Elections Code") and arguments and rebuttals, if any, pursuant to Sections 5012 to 5016, inclusive, and 5025 of the Elections Code.

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

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

1. Cause to be printed the requisite number of official ballots, tally sheets and other necessary forms;

2. Furnish and address to mail or personally deliver the official ballots to the qualified electors of the Annexed Territory;

3. Cause the official ballots to be mailed or personally delivered, as required by law;

4. Receive the returns of the Election and supplies;

5. Sort and assemble the election material and supplies in preparation for the canvassing of the returns;

6. Canvass the returns of the Election;

7. Furnish a tabulation of the number of votes given in the Election;

8. Make all arrangements and take the necessary steps to pay all costs of the election incurred as a result of services performed for the Annexed Territory and pay costs and expenses of all election officials; and

9. Conduct and handle all other matters relating to the proceedings and conduct of the Election in the manner and form as required by law.

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

and may be apportioned in the manner specified in the Resolution of Intention to Annex and in the attached EXHIBIT "A".

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

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

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)

CITY OF MODESTO
STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT

MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

AMENDED APRIL 1997
FOR
ANNEXATION NO. 1

Prepared by:

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

COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)
PUBLIC REPORT - MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

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COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)

CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT

MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

INTRODUCTION

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

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

(hereinafter referred to as the "District") and

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

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

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

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

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

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

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

NOW, THEREFORE, I, Jerry L. Slinkard, P.E., authorized representative for Vail Engineering Corporation, the appointed responsible officer or person directed to prepare the Report, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, do hereby submit the following data:

COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)
CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

I. DESCRIPTION OF FACILITIES

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

A. ARTERIAL ROADS

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

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

B. STORM DRAINAGE SYSTEM

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

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

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

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

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

C. UTILITY RELOCATION

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

D. PARKS

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

Community Park	39 acres
Roselle Neighborhood Park	7 acres
Claus Neighborhood Park	7 acres
Merle Neighborhood Park	8 acres

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

E. PUBLIC FACILITIES

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

F. OTHER

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

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

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

**Street parkways includes median and roadside landscape and hardscape.*

II. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT ANNEXATION NO. 1

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

III. COST ESTIMATES

A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX

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

Arterial Roads		$20,509,278
Storm Drainage		$13,240,470
Utility Relocation		$1,120,458
Parks		$10,863,967
Public Facilities		$25,000
Other		$2,698,683
	Subtotal:	$48,457,856
Annual CFD Administration (1%)		$484,579

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

Total district with administration is: $48,942,435

B. OPERATIONS AND MAINTENANCE COSTS FOR MAINTENANCE SPECIAL TAX

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

* Annual maintenance cost at buildout in 1996 dollars:

Community Park and three (3) neighborhood parks		$149,073
Street/Parkways: *1,500,000 sq. ft. x $0.417 / sq. ft.*		$625,500
Pathway Landscaping: Subtotal Paths		$44,965
Class I:	*17,889 / 5,280 x $4,020 =*	*$13,560*
Class II:	*82,388 / 5,280 x $1,500 =*	*$23,405*
Class III:	*84,480 / 5,280 x $500 =*	*$8,000*
		$44,965
Weed and Litter Abatement		$4,251
Misc. Annual Admin/Cont. (3%)		$26,211
	Total Annual Cost:	$850,000

* *Total annual costs at "good" standard for all neighborhood and community parks in 1996 dollars is $708,676. The amount attributed to the Village One CFD is $149,073.*

IV. RATE AND METHOD *(By David Taussig and Associates)*

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

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

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

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

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

"City" means the City of Modesto.

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

"Commercial Property" means all Parcels of Developed Property for which a building permit has been issued for a commercial establishment which sells general merchandise, hard goods, personal and professional services, and other items directly to consumers, including but not limited to travel agencies, hardware stores, food stores, automotive dealers, service stations, home furnishing stores,

restaurants, banks, repair shops, movie theaters, day care centers, and art galleries. In addition, all professional office space, including company headquarters, medical office buildings, and other such buildings, will be defined as Commercial Property.

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

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

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

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

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

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

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

"Land Use Class" means any of the five classes listed in Table 1 and Table 2 below.

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

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

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

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

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

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

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

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

"Undeveloped Industrial Property" means any Parcel that is not Developed Property that is anticipated to be developed as Industrial Property, as determined first by

reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

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

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

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

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

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

B. ASSIGNMENT TO LAND USE CLASS

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

C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

a) Very Low Density Residential Property and Village Residential Property

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

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

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

Step 3: Determine the Gross Acreage of all Subdivided Property included within the Final Subdivision Map. If more than one Land Use Class is represented within the Final Subdivision Map, distribute the Gross Acreage of all Subdivided Property to each Land Use Class.

Step 4: Multiply the Gross Acreage for each Land Use Class determined in Step 3 by the Facilities Special Tax identified for each Land Use Class in Table 1 below.

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

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

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

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

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

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

Step 3: Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

Table 1
Per-Acre Special Tax to be Used in
Calculation of Maximum Facilities Special Tax
For Annexation Area No. 1
(Fiscal Year 1996-97)

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

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

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

2. Maintenance Special Tax

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

a) Developed Property

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

Table 2
Maximum Annual Maintenance Special Tax
(Fiscal Year 1996-97)

Land Use Class	Description	Maximum Annual Maintenance Special Tax
1	Very Low Density Residential	$112.43 per lot
2	Village Residential	$112.43 per lot
3	Multi-Family Residential	$ 72.99 per unit
4	Commercial	$394.30 per Gross Acre
5	Industrial	$394.30 per Gross Acre

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

b) Undeveloped Property

Undeveloped Residential Property:

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

Step 1: Determine whether the Parcel will be developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property determined by reference to the *Village One Specific Plan.*

Step 2: Multiply the average density for the Parcel's Land Use Class as determined in Step 1 by the Gross Acreage of the Parcel to determine the average number of units that could be built on the Parcel. The average density for each Land Use Class shall be determined based on reference to the *Village One Specific Plan*.

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

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

Undeveloped Commercial and Undeveloped Industrial Property:

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

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

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

2. **Maintenance Special Tax**

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

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

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

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

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

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

E. LIMITATIONS

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

F. ENFORCEMENT

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

V. GENERAL TERMS AND CONDITIONS

A. SUBSTITUTION FACILITIES

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

B. APPEALS AND INTERPRETATION PROCEDURE

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

Interpretations may be made by the legislative body by Resolution for purposes of clarifying any vagueness or ambiguity as it relates to any category, zone, rate or definition applicable to these proceedings.

C. ADMINISTRATION OF FUNDS

1. Facilities Fund

All funds received from the payment of the one-time facilities special tax shall be maintained in a single facilities fund account. This account shall apportion the funds into the facilities categories as shown on page 43 of the "City of Modesto Village One Finance Plan" as adopted by the City Council in Resolution No. 96-463 dated August 13, 1996, or as said ordinance may be amended. The City has full discretion in the use of the funds for all authorized facilities within this pooled account. Accounting of the fund shall

track the use of funds to insure the ultimate distribution of funds at buildout are as proportioned in said Ordinance 96-463.

2. **Maintenance Fund**

All annual maintenance special taxes shall be maintained in a single account. Funds shall be utilized at the discretion of the City to fund authorized maintenance and administration services.

VI. CERTIFICATION

It is my opinion that the special tax rate and method of apportionment, as set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

Jerry L. Slinkard
Vail Engineering Corporation

Date

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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-123

A RESOLUTION DIRECTING STAFF TO CONDUCT A RATE REVIEW AND COST OF SERVICES ANALYSIS TO DETERMINE THE FEASIBILITY AND IMPACTS OF CONSOLIDATING THE WATER RATES OF ZONE 1 AND ZONE 2 AND FOR CONSISTENCY PURPOSES CONDUCT A SIMILAR ANALYSIS FOR ZONE 3.

WHEREAS, a request has been filed with the City Clerk by Dr. Gregory C. Tesluk to eliminate the existing fire protection service charge for water customers in Zone 2, and

WHEREAS, the former Del Este Water Company (DEW) was acquired on July 7, 1995 by the City and the existing rate structure based on what was in place for the former Del Este customers at that time was adopted, and

WHEREAS, the existing City customers were designated as Zone 1, the former Del Este areas that were within or contiguous to the City limits and were receiving water from the surface water treatment plant were designated as Zone 2, and the remaining former Del Este areas became Zone 3, and

WHEREAS, Modesto City Council Resolution No. 95-324, adopted on June 27, 1995, established the original rate structure, including the Fire Protection Service charges, for former Del Este customers in both Zones 2 and 3, and

WHEREAS, Modesto City Council Resolution No. 96-302, adopted on June 4, 1996, modified the existing rate structure, including the Fire Protection Service charges, for former Del Este customers in Zone 3, and

WHEREAS, Modesto City Council Resolution No. 98-535, adopted on October 6, 1998, established the existing rate structure, including the Fire Protection Service charges, currently in place for former Del Este customers in both Zone 2 and Zone 3, and

WHEREAS, the existence of the Fire Protection Service fee in Zone 2 and Zone 3 is the result of DEW installing fire fighting water service upgrades to its commercial customers, prior to the City's acquisition of DEW, and passing on the costs of those upgrades to the water users in those areas, and

WHEREAS, City staff recommends that a rate review and cost of services analysis be conducted to determine the feasibility and impacts of consolidating the water

rates of Zone 1 and Zone 2 and for consistency purposes conduct a similar analysis for Zone 3, and

WHEREAS, City staff recommends that until it can be determined that all of the costs for the fire fighting water service upgrades installed by DEW have been recovered, the existing Fire Protection Service charge levied to properties in both Zone 2 and Zone 3 of the former Del Este Water Company remain in place, and

WHEREAS, the Utility Services & Franchises Committee reviewed this proposal on January 23, 2002, and recommended it be sent to the City Council for consideration, and

WHEREAS, said matter was set for a public hearing of the City Council on March 12, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby directs staff to conduct a rate review and cost of services analysis to determine the feasibility and impacts of consolidating the water rates of Zone 1 and Zone 2, and for consistency purposes further directs staff to conduct a similar analysis for Zone 3.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2002, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-124

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF CAROLYN FRASER FROM THE HUMAN RELATIONS COMMISSION EFFECTIVE MARCH 19, 2001

WHEREAS, CAROLYN FRASER was appointed a member of the Human Relations Commission on January 6, 1998; and

WHEREAS, CAROLYN FRASER has tendered her resignation from the Human Relations Commission, March 19, 2002; and

WHEREAS, CAROLYN FRASER has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of CAROLYN FRASER from the Human Relations Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of the City, hereby expresses its sincere appreciation to CAROLYN FRASER for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-125

A RESOLUTION AUTHORIZING STAFF TO SOLICIT BIDS FOR THE PROJECT "BOWEN AVENUE ROUNDABOUTS"

WHEREAS, the City of Modesto installed temporary traffic roundabouts to calm traffic, improve safety and increase capacity at the intersections of Bowen Avenue with Phelps and Fremont Avenues over three years ago, and

WHEREAS, the Transportation Policy Committee considered and approved the design for permanent roundabouts on Bowen Avenue at its November 15, 2001, meeting, and

WHEREAS, staff has designed the permanent traffic roundabout for the Phelps Avenue intersection with Bowen Avenue per current City Standard dimensions, and

WHEREAS, staff has designed a modified roundabout standard for the Fremont Avenue intersection with Bowen Avenue that is acceptable to the Fire Department, and

WHEREAS, staff has completed preparation of plans, specifications and cost estimate for the "Bowen Avenue Roundabouts" project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that City staff is hereby authorized to solicit bids for the "Bowen Avenue Roundabouts" project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-126

A RESOLUTION ADOPTING PRIORITY CRITERION AND STANDARD SPECIFICATIONS FOR INSTALLATION OF LIGHTED CROSSWALKS FOR THE CITY OF MODESTO

WHEREAS, City staff has received several requests for installation of lighted crosswalks in the City of Modesto to provide enhanced pedestrian safety and providing warning to motorists of pedestrians in crosswalks, and

WHEREAS, the Transportation Policy Committee reviewed and recommended adopting priority criterion and standard specifications for installation of lighted crosswalks for the City of Modesto at their February 21, 2002 meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves adopting the "Priority Criterion" and "Standard Specifications for Installation of Lighted Crosswalks" as the City Standard for the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, CITY ATTORNEY

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-127

A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION OF THE ANNUAL TRANSPORTATION CLAIM FOR FISCAL YEAR 2001/02, FOR NON-TRANSIT PURPOSES ONLY, TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG)

WHEREAS, on May 22, 2001, the City Council approved the annual claim for Local Transportation Funds for transit purposes only, and

WHEREAS, on February 14, 2001, the Stanislaus Council of Governments (StanCOG) pursuant to Section 99401.6 of the California State Public Utility Codes has determined that there are no unmet transit needs or that there are no unmet transit needs that are reasonable to meet, and

WHEREAS, the StanCOG has informed the Finance Department that it has allocated Local Transportation Funds for use on local streets and roads pursuant to Sections 99400 and 99233.11 of the California State Public Utility Code, and

WHEREAS, the StanCOG has informed the Finance Department that it has allocated Local Transportation Funds for pedestrian and bicycle facilities uses pursuant to Sections 99233.3 and 99234 of the California State Public Utility Code, and

WHEREAS, the StanCOG has informed the Finance Department that the City of Modesto may claim $3,004,295 of Local Transportation Funds for street purposes, and $119,906 for pedestrian and bicycle projects, and

WHEREAS, Council action authorizing the claim is required by StanCOG pursuant to Section 99261 of the California State Public Utilities Code before any Local Transportation Fund funding can be released to the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his authorized designee, is hereby authorized to execute and submit the claim for apportionment of Local Transportation Development Funds to the Stanislaus Council of Governments (StanCOG) to obtain non-transit funds and supplemental non-transit revenue, and that the submission of the City's claim to the Stanislaus Council of Governments (StanCOG) in the amount of $3,124,101 for Fiscal Year 2001/02 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 2002, by Council member Fisher, who moved its adoption, which motion being duly seconded by Council member Frohman, was upon roll call carried and the resolution adopted by the following vote:

Ayes.	Council members:	Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino
Noes:	Council members:	None
Absent:	Council members:	Smith

Attest: Jean Zahr
Jean Zahr, City Clerk

APPROVED AS TO FORM:
By
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-128

A RESOLUTION APPROVING BUDGET AMENDMENTS TO UTILIZE $443,000 OF UN-BUDGETED NON-TRANSIT FY2002 LOCAL TRANSPORTATION FUNDS.

WHEREAS, on March 19, 2002, the City Council approved the annual claim for Local Transportation Funds for non-transit purposes, and

WHEREAS, of the $3,124,101 funds claimed, $443,000 was a supplemental allocation that was not budgeted in the City's FY2001-2002 existing budget, and

WHEREAS, it is the Council intent that the $443,000 be programmed in sufficient time to allow additional projects to be included in the 2002 Construction season, and

WHEREAS, the Engineering department has identified six priority projects that could utilize these funds in a timely manner and meet all requirements as defined in Section 99402 of the State of California Public Utilities Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his authorized designee, is hereby authorized to amend both the FY2001-2002 Capital Improvement and Maintenance budgets in the following manner to use these Local Transportation Funds in a timely manner:

1. Establish a CIP project known as the McHenry Median Landscape Project and appropriate $120,000 to that project;
2. Establish a Right of Way Acquisition reserve in the Fund Balance of Fund 0510 for $40,000 for future right of way projects. The appropriation of these funds will require a council action;
3. Appropriate $40,000 to the Existing Bowen Roundabout CIP Project (0700-160-H921);
4. Appropriate $72,000 to the City's Existing Annual Pavement Management Program. (0700-430-M141);
5. Appropriate $100,000 to the existing ATMS NE CIP Project (0700-160-L129); and
6. Appropriate $71,000 to the City's Current Sidewalk & Curb Maintenance program . (0700-430-4725).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

Ayes.	Council members:	Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino
Noes:	Council members:	None
Absent:	Council members:	Smith

Attest: Jean Zahr
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-129

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO CANVASSING THE RESULTS OF THE MARCH 6, 2002 ELECTION HELD WITHIN COMMUNITY FACILITIES DISTRICT NO. 2002-1 (NORTHPOINTE), AND ASSERTING COMPLIANCE WITH THE PROVISIONS OF PROPOSITION 218

WHEREAS, this Council is conducting proceedings pertaining to the formation of the City's Community Facilities District No. 2002-1 (the "District"), the establishment of an appropriations limit within the District, and the levy of a special tax sufficient to pay all costs necessary to finance certain Services as described in the City's Resolution No. 2002-96, adopted February 26, 2002, and

WHEREAS, on March 6, 2002, an election was held within the District (the "Election") relative to the foregoing, and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the special tax and establishing an appropriations limit within the District was approved by at least two-thirds (2/3) of the votes cast at the Election within the District, and

WHEREAS, the special tax may be levied without regard to property values or benefit pursuant to Chapter 3.5 of Part 1 of Division 2 of title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, the City of Modesto has determined that the special tax complies with the provisions of Articles XIII C and XIII D of the California Constitution, and other laws pertaining to the levy of such special taxes,

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND, by the City Council of the City of Modesto, that:

1. The Election was duly and validly conducted in conformity with all applicable laws, rules and regulations pertaining thereto.

2. Based on the City Clerk's certificate of election results, attached hereto as EXHIBIT A, the ballot proposition presented to the qualified electors of the District at the Election received at least two-thirds (2/3) of the votes cast at the Election.

3. The City Clerk of the City of Modesto is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of such election, and is hereby further authorized and directed to record a notice of special tax lien in accordance with the provisions of Section 3114.5 of the California Streets and Highways Code.

4. The levy and collection of the special tax within the District is herewith ordered for the 2001/2002 fiscal year, and in each subsequent fiscal year in which the special tax may validly be levied.

5. A certified copy of this resolution and any attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such taxes on the 2002/2003 Stanislaus County tax roll, and in each subsequent fiscal year in which the special tax may validly be levied.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT B

CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2002-96, the Resolution of Formation, adopted on February 26, 2002 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 2002-1 on March 6, 2002, and that the election was conducted by mail or in person at the City Hall of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

Proposition A. Shall an appropriations limit in the amount of $1,000,000 per fiscal year be established for Community Facilities District No. 2002-1 (the "District") of the City of Modesto ("the City"), and shall a special tax with a maximum rate, method of apportionment, and manner of collection as provided in EXHIBIT B to the City's Resolution No. 2002-96 (the "Resolution of Formation") adopted by the City Council of the City of Modesto on February 26, 2002, which is incorporated herein by this reference, be levied within the District in order to finance certain public facilities and services as set forth in the Resolution of Formation, including any incidental expenses related thereto?

TOTAL VOTES CAST: YES 59 NO 0

Dated: March 7, 2002

Jean Zahr

JEAN ZAHR
City Clerk of the City of Modesto

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-130

A RESOLUTION AUTHORIZING THE PURCHASE OF STAGING FROM STAGERIGHT FOR A TOTAL COST OF $84,394.00.

WHEREAS, the Modesto Centre Plaza stage is fifteen years old and difficult to maintain due to a lack of availability of parts, and

WHEREAS, there has been a reduction in staging inventory due to extensive usage, that has limited the City's ability to meet the desired needs of some concert tours, and

WHEREAS, Modesto Centre Plaza has completed a technical evaluation of staging and Completed site visits and has determined that StageRight's product most closely fits the City's needs, and

WHEREAS, during the initial evaluation process it was determined that StageRight's pricing, presented the City with the best value, and

WHEREAS, the Purchasing Officer has determined that a process other than the formal bid procedures set forth in Section 8-3-204 of the Modesto Municipal Codes will result in a procurement for the City at the lowest possible cost commensurate with the desired quality,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that purchase of the staging from StageRight is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-131

A RESOLUTION AUTHORIZING THE PURCHASE OF A GRANULATED ACTIVATED CARBON (GAC) FROM CALGON CARBON FOR AN ESTIMATED ANNUAL COST OF $300,000.00.

WHEREAS, the Water Division of Operations and Maintenance Department has determined that there is a continued need for Granulated Activated Carbon at twenty (20) of the City's well sites.

WHEREAS, the City of Fresno has authorized the City of Modesto to "piggyback" off of a competitively bid GAC contract (City of Fresno bid number 8311), and

WHEREAS, the City of Modesto has "piggybacked" with the City of Fresno on our GAC requirements for the previous five (5) years, and

WHEREAS, the Purchasing Officer has determined that a process other than the formal bid procedures set forth in Section 8-3.204 of the Modesto Municipal Code will result in a procurement for the City at the lowest possible cost commensurate with the desired quality,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that purchase of the GAC requirements from Calgon Carbon is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: _____
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-132

A RESOLUTION IMPLEMENTING CABLE TELEVISION CUSTOMER SERVICE REGULATIONS AND DECLARING THAT THE CITY WILL BEGIN ENFORCING THE FEDERAL CUSTOMER SERVICE REGULATIONS ON MAY 2, 2002

WHEREAS, the Federal Communications Commission ("FCC ") has adopted regulations establishing customer service standards for the cable television industry (47 CFR §76.309), and

WHEREAS, the FCC regulations require the City to determine whether to enforce these regulations within the City and to give the cable television franchisee ninety (90) days notice of the City's intent to enforce the customer service regulations, and

WHEREAS, the Utilities Service and Franchises Committee considered customer service standards at a meeting held on February 11, 2002 and recommended enforcement of the standards to the City Council, and

WHEREAS, the City gave notice to AT&T of its intent to adopt and enforce the federal cable television customer service regulations on January 31, 2002, which is ninety (90) days prior to the effective date of the implementation of the customer service regulations, and

WHEREAS, by an agenda report to the City Council from the City Manager's Office, dated February 19, 2002, a copy of which is on file in the Office of the City Clerk, City staff sets forth its recommendations, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 19, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves enforcement of the cable television customer service regulations contained in Title 47, Section 76.309 of the Code of Federal Regulations, as they exist today and as amended from time to time.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that enforcement of Title 47, Section 76.309 of the Code of Federal Regulations shall commence within the City of Modesto on May 2, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-133

A RESOLUTION ACCEPTING A FEDERAL SAFE ROUTES TO SCHOOL GRANT FOR $441,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE NECESSARY GRANT DOCUMENTS.

WHEREAS, on April 19, 2001, the City approved the submission of the Virginia Corridor Crossing Grant to the Federal Safe Route to Schools Grant Program, and

WHEREAS, the City has recently received notice that it was awarded the grant for $441,000 for crosswalk improvements on the proposed trail along Virginia Avenue between Needham Street and Briggsmore Avenue, and

WHEREAS, local matching funds of $49,000 as required by this grant program have been identified in the Local Transportation Fund non-motorized reserve (0520-310-8002), and

WHEREAS, this grant will be used to provide sidewalks, curbs and gutters, street lights, and lighted crosswalks for the proposed Class I Bike trail along the Virginia Avenue Corridor between Needham Street and Briggsmore Avenue,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Federal Safe Route to School grant in the amount of $441,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents for said project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith, Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)
APPROVED AS TO FORM:
By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-134

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 CAPITAL IMPROVEMENT BUDGET ACCEPTING A FEDERAL SAFE ROUTES TO SCHOOL GRANT FOR $441,000, TRANSFERRING $49,000 FROM 0520-310-8002, LOCAL TRANSPORTATION FUND NON-MOTORIZED RESERVE, AND TO APPROPRIATE $490,000 TO A NEW CAPITAL IMPROVEMENT PROJECT FUND 0520-430-4320-3546, ENTITLED "VIRGINIA CORRIDOR CROSSINGS"

WHEREAS, on April 19, 2001, the City of Modesto Transportation Policy Committee authorized staff to submit an application for $441,000 in funding under the Federal Safe Routes to School Grant Program for the Virginia Corridor Crossings, and

WHEREAS, the City was awarded a grant of $441,000 from a Safe Routes to School grant, and

WHEREAS, said funds can be utilized for the Virginia Corridor crosswalk improvements on the proposed trail along Virginia Avenue between Needham Street and Briggsmore Avenue. These improvements will include the addition of sidewalks, curbs and gutters, street lights, and "lighted crosswalks,"

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2001-02 Capital Improvement Plan budget accepting a Federal Safe Routes to School grant for $441,000, transferring $49,000 from 0520-310-8002, Local Transportation Fund Non-Motorized reserve and to appropriate $490,000 to a new Capital Improvement Project fund 0520-430-4320-3546 entitled "Virginia Corridor Crossings."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith, Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-135

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO CONFIRMING THE CANVASS OF THE SECOND REGULAR MUNICIPAL ELECTION WHICH WAS HELD IN THE CITY OF MODEST ON MARCH 5, 2002, AND DECLARING THE RESULTS OF SAID ELECTIONS FOR COUNCILMEMBERS (RUN-OFF ELECTION).

WHEREAS, the Charter of the City of Modesto provides that if no candidate for an elective office of the City receives a majority vote at a regular municipal election, a second Regular Municipal Election shall be held at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for the election to the office, and

WHEREAS, at said Regular Municipal Election on November 6, 2001 a majority vote was not cast for Councilmembers for Chair Nos. 2, 4, and 5, and

WHEREAS, the two candidates receiving the highest number of votes for Councilmember Chair 2, Armour Smith and Janice Keating, Chair 4, William O'Bryant and Daniel Hopkins, and Chair 5, Kenni Friedman and Denny Jackman, would have been in a run-off election to be held on Tuesday December 11, 2001, and

WHEREAS, for the Run-Off Election scheduled for Tuesday, December 11, 2001, the Stanislaus County Elections Office experienced computer software and printer failure, which caused them to be unable to mail ballots to approximately 6,800 plus voters by the December 1, 2001 deadline, and

WHEREAS, at the request of the City Council the City Attorney filed an action in the Superior Court to request the nullification of the Run-Off Election, which was granted by Superior Court Judge Mayhew on December 6, 2001, and

WHEREAS, the City Council requested, and the Board of Supervisors approved consolidation of a new Run-Off Election on March 5, 2002 in conjunction with the Statewide Primary Election held on that date, and

WHEREAS, the Second Regular Municipal Election was held on Tuesday, March 5, 2002 consolidated with the Statewide Primary Election to elect a Councilmemebers to Chair Nos. 2, 4, and 5 as mentioned above, and said election was held in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said Second Regular Municipal Election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated March 22, 2002, a copy of which is hereto marked EXHIBIT "A" and made a part hereof,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Said Canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

SECTION 2. That in accordance with Section 10264 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as EXHIBIT "A" and made a part hereof, shows a complete tabulation of the following:

(a) The whole number of votes cast in the city.
(b) The names of the persons voted for.
(c) The measures voted upon
(d) For what office each person was voted for.
(e) The number of votes given at each precinct to each person and for and against each measure.
(f) The number of votes given in the city to each person and for and against each measure.

SECTION 3. That, at said Second Regular Municipal Election as rescheduled pursuant to the order of the Stanislaus County Superior Court, the following named persons having received a majority of the votes cast for the elective offices, as designated on Exhibit "A", are hereby declared to be duly and regularly elected to such office; and, the City Clerk is hereby directed to issue a Certificate of Election to each of said persons, certifying her/her election to the office appearing after his/her name, and to administer to

each of said persons the oath of office prescribed by the Constitution and laws of the State of California, and the Charter of the City, to wit:

Janice Keating	Councilmember, for a term of four years, Chair No. 2, Modesto City Council
William O'Bryant	Councilmember, for a term of four years, Chair No. 4, Modesto City Council
Denny Jackman	Councilmember, for a term of four years, Chair No. 5, Modesto City Council

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th of March, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO SECOND REGULAR MUNICIPAL ELECTION
March 5, 2002

I, Jean Zahr, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on March 22, 2002, to publicly canvass the returns of the City of Modesto Second Regular Municipal Election held on March 5, 2002, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

CANDIDATES	NUMBER OF VOTES	PERCENTAGE OF VOTE
Chair 2, Modesto City Council		
Janice Keating	18,105	57.4%
Armour Smith	13,418	42.6%
Chair 4, Modesto City Council		
William E. O'Bryant	17,485	56.2%
Dan Hopkins	13,626	43.8%
Chair 5, Modesto City Council		
Denny Jackman	15,838	50.1%
Kenni Friedman	15,761	49.9%

VOTER TURNOUT:

	TOTAL REGISTERED VOTERS	TOTAL TURNOUT	TURNOUT PERCENTAGE
City of Modesto Council Seats	82,057	33,636	40.9%

JEAN ZAHR
City Clerk/Auditor
City of Modesto

March 22, 2002

STATEMENT OF THE VOTE

OF

STANISLAUS COUNTY

STATE OF CALIFORNIA

-CAST AT THE-

CONSOLIDATED PRIMARY ELECTION

-HELD-

TUESDAY, MARCH 5, 2002

State of California
ss
County of Stanislaus

I, PAUL BAXTER, Interim County Clerk-Recorder, of the above named county, do hereby certify that the within is a true and correct statement of result of the votes cast in this county at the Consolidated Primary Election as determined by the official canvass of the returns of the said election.

Witness my hand and seal, this 22nd day of March, 2002.

PAUL BAXTER
Interim County Clerk-Recorder

BY Joyce Goudie
Joyce Goudie
Assistant Registrar of Voters

Consolidated Gubernatorial Primary Election - March 5, 2002 - Stanislaus County Official Results
City of Modesto Council - Chair 2, 4 and 5 -

	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE	Modesto City Coun. - Ch. 2 Janice Keating	Modesto City Coun. - Ch. 2 * Armour Smith	Modesto City Coun. - Ch. 4 William E O'Bryant	Modesto City Coun. - Ch. 4 Dan Hopkins	Modesto City Coun. - Ch. 5 Denny Jackman	Modesto City Coun. - Ch. 5 * Kenni Friedman
MODESTO 1	748	179	23.9%	112	51	96	65	90	74
MODESTO 2	888	200	22.5%	122	72	92	96	96	94
MODESTO 3	981	153	15.5%	88	52	87	54	65	80
MODESTO 4	759	76	10.0%	47	24	33	38	28	43
MODESTO 5	706	132	18.6%	70	45	74	40	50	66
MODESTO 6	681	64	9.3%	40	23	27	33	31	31
MODESTO 7	513	87	16.9%	48	29	42	34	36	44
MODESTO 8	741	113	15.2%	61	38	50	52	52	50
MODESTO 9, 12	1282	185	14.4%	106	63	77	91	103	72
MODESTO 10, 11	981	203	20.6%	107	81	91	92	112	72
MODESTO 13	585	168	28.7%	94	63	88	71	74	81
MODESTO 14	734	126	17.1%	81	37	76	37	58	60
MODESTO 15	821	175	21.3%	105	54	99	65	95	71
MODESTO 16	507	103	20.3%	57	40	50	46	47	51
MODESTO 17	828	154	18.5%	80	65	80	60	72	71
MODESTO 18	540	133	24.6%	66	55	68	54	67	53
MODESTO 19	979	236	24.1%	101	119	92	124	94	121
MODESTO 20	625	127	20.3%	78	43	66	53	61	60
MODESTO 21	776	172	22.1%	88	73	89	67	77	85
MODESTO 22	673	173	25.7%	76	85	65	90	58	106
MODESTO 23	432	72	16.6%	37	31	29	40	36	34
MODESTO 24	735	122	16.5%	68	45	59	55	55	58
MODESTO 25	560	94	16.7%	49	39	44	44	36	52
MODESTO 27	636	196	30.8%	79	105	96	86	80	105
MODESTO 28	586	117	19.9%	69	36	54	49	60	46
MODESTO 29	938	215	22.9%	116	87	107	93	106	98
MODESTO 30	460	85	18.4%	38	45	44	38	45	36
MODESTO 31, 54	992	246	24.7%	142	86	138	90	111	123
MODESTO 32	844	135	15.9%	82	44	75	50	70	57
MODESTO 33	602	141	23.4%	74	57	79	45	68	64
MODESTO 34	558	172	30.8%	77	90	84	73	75	90
MODESTO 35, 37	887	242	27.2%	111	116	132	86	107	122
MODESTO 36	621	151	24.3%	57	88	73	68	61	82
MODESTO 38, 39	1138	260	22.8%	133	109	134	103	116	123
MODESTO 40, 41	950	197	20.7%	110	74	88	95	96	89
MODESTO 42	774	236	30.4%	119	101	122	97	108	119
MODESTO 43, 45	1020	206	20.1%	122	71	103	91	103	88
MODESTO 44	450	132	29.3%	75	40	74	46	61	59
MODESTO 46	696	144	20.6%	91	46	68	68	74	60
MODESTO 47	826	210	25.4%	85	112	108	82	85	114
MODESTO 48	947	248	26.1%	124	105	102	121	100	128
MODESTO 50	740	182	24.5%	79	90	86	78	83	87
MODESTO 51, 82	1029	171	16.6%	104	54	99	57	87	72
MODESTO 53	735	77	10.4%	47	30	43	32	35	40
MODESTO 55	733	134	18.2%	45	83	60	63	43	88
MODESTO 56	715	181	25.3%	95	70	96	66	88	78
MODESTO 57	505	99	19.6%	49	46	57	33	61	31
MODESTO 58	782	105	13.4%	65	30	48	48	53	43
MODESTO 59	606	126	20.7%	76	40	59	61	72	45
MODESTO 60	755	181	23.9%	111	53	86	80	98	70
MODESTO 61	1031	282	27.3%	175	91	149	115	153	111
MODESTO 62	684	154	22.5%	94	47	75	62	67	77
MODESTO 63	866	119	13.7%	75	35	64	50	55	57
MODESTO 64	564	85	15.0%	52	26	33	42	40	37
MODESTO 65	342	98	28.6%	58	29	51	40	45	43
MODESTO 66	774	186	24.0%	99	75	87	84	90	83
MODESTO 67	657	113	17.1%	80	28	66	42	62	45
MODESTO 68	679	152	22.3%	77	58	77	56	64	73
MODESTO 69, 107	1017	241	23.6%	112	110	124	92	107	117
MODESTO 70	939	244	25.9%	137	90	120	96	135	83
MODESTO 71	459	71	15.4%	43	25	44	24	39	27
MODESTO 72	357	30	8.4%	15	10	11	13	12	14

Consolidated Gubernatorial Primary Election - March 5, 2002 - Stanislaus County Official Results
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	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE	Modesto City Coun. Ch 2	Janice Keating	Modesto City Coun. Ch 2 *	Armour Smith	Modesto City Coun. Ch 4	William E O'Bryant	Modesto City Coun. Ch 4	Dan Hopkins	Modesto City Coun. Ch 5	Denny Jackman	Modesto City Coun. Ch 5 *	Kenni Friedman
MODESTO 73	906	149	16.4%	96		47		91		51		69		71	
MODESTO 74	825	215	26.0%	102		103		110		87		97		107	
MODESTO 75	808	153	18.9%	87		57		87		58		75		68	
MODESTO 76	588	99	16.8%	60		34		37		57		45		47	
MODESTO 77	600	90	15.0%	48		39		53		33		49		37	
MODESTO 78	905	186	20.5%	112		62		96		75		102		76	
MODESTO 80	778	176	22.6%	106		58		94		72		84		84	
MODESTO 81, 89	1081	235	21.7%	134		87		107		107		115		106	
MODESTO 83	593	121	20.4%	67		43		58		51		50		59	
MODESTO 84	872	162	18.5%	95		60		94		62		76		79	
MODESTO 85, 153	739	117	15.8%	75		37		61		50		64		46	
MODESTO 86	484	81	16.7%	51		25		39		36		39		37	
MODESTO 88	678	146	21.5%	66		72		70		69		62		76	
MODESTO 90	853	219	25.6%	104		100		94		106		86		120	
MODESTO 91	613	106	17.2%	56		44		55		44		44		59	
MODESTO 93, 108	890	204	22.9%	82		108		68		120		87		103	
MODESTO 94	948	202	21.3%	107		81		117		70		103		87	
MODESTO 95, 98	817	167	20.4%	101		53		85		72		71		86	
MODESTO 97	968	196	20.2%	103		73		100		79		85		90	
MODESTO 99	731	138	18.8%	82		41		73		48		58		65	
MODESTO 100	713	128	17.9%	74		52		71		55		67		58	
MODESTO 101	936	168	17.9%	92		66		82		73		78		78	
MODESTO 102, 103	794	186	23.4%	106		63		105		63		82		88	
MODESTO 104	717	118	16.4%	70		42		62		51		58		53	
MODESTO 105	865	129	14.9%	83		37		71		49		62		56	
MODESTO 106	844	164	19.4%	105		48		96		61		73		81	
MODESTO 109	627	104	16.5%	58		40		49		47		45		49	
MODESTO 110	627	126	20.0%	76		39		71		41		75		42	
MODESTO 111	879	155	17.6%	96		52		62		86		81		66	
MODESTO 112	1105	210	19.0%	95		103		114		80		102		93	
MODESTO 113, 146	1105	243	21.9%	116		106		116		106		111		110	
MODESTO 115	767	73	9.5%	44		26		45		24		38		32	
MODESTO 118	967	238	24.6%	134		91		127		98		110		115	
MODESTO 119, 155	824	234	28.3%	119		106		124		98		122		104	
MODESTO 120	578	77	13.3%	35		33		40		29		33		34	
MODESTO 121	920	154	16.7%	91		55		66		76		73		72	
MODESTO 123	655	152	23.2%	86		52		79		60		60		77	
MODESTO 125	569	90	15.8%	57		25		43		40		38		44	
MODESTO 126	518	73	14.0%	47		22		32		40		44		25	
MODESTO 129	435	92	21.1%	45		40		41		43		50		35	
MODESTO 147	445	81	18.2%	51		27		44		34		36		40	
MODESTO 154, 156	1071	178	16.6%	100		67		92		73		78		88	
MODESTO 160	570	87	15.2%	53		29		39		40		42		38	
AV BALLOT GROUP 002	0	773	0.0%	479		250		393		330		395		333	
AV BALLOT GROUP 004	0	2554	0.0%	1476		935		1459		928		1263		1132	
AV BALLOT GROUP 005	0	5047	0.0%	2599		2181		2731		1963		2398		2398	
AV BALLOT GROUP 007	0	527	0.0%	319		165		310		180		257		235	
AV BALLOT GROUP 008	0	826	0.0%	434		353		433		326		364		421	
AV BALLOT GROUP 009	0	160	0.0%	88		61		83		69		69		81	
AV BALLOT GROUP 011	0	65	0.0%	35		21		32		25		30		29	
AV BALLOT GROUP 012	0	3	0.0%	0		0		0		0		0		0	
AV BALLOT GROUP 014	0	818	0.0%	417		358		412		341		366		414	
AV BALLOT GROUP 016	0	880	0.0%	444		386		460		354		417		429	
AV BALLOT GROUP 018	0	1232	0.0%	663		498		635		511		592		573	
AV BALLOT GROUP 022	0	890	0.0%	490		351		477		344		401		442	
AV BALLOT GROUP 023	0	2632	0.0%	1312		1151		1380		1057		1235		1232	
MODESTO 26	187	92	49.1%	48		33		53		30		42		42	
MODESTO 49	0	0	0.0%	0		0		0		0		0		0	
MODESTO 52	220	125	56.8%	57		60		68		46		52		69	
MODESTO 79	61	20	32.7%	11		7		9		8		9		9	
MODESTO 87	0	0	0.0%	0		0		0		0		0		0	
MODESTO 92	1	0	0.0%	0		0		0		0		0		0	

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City of Modesto Council - Chair 2, 4 and 5 -

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	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE	Modesto City Coun. - Ch 2	Janice Keating	Modesto City Coun. - Ch 2 *	Armour Smith	Modesto City Coun. - Ch 4	William E O'Bryant	Modesto City Coun. - Ch 4	Dan Hopkins	Modesto City Coun. - Ch 5	Denny Jackman	Modesto City Coun. - Ch 5 *	Kenni Friedman
MODESTO 96	202	67	33.1%	41		21		37		24		31		31	
MODESTO 114	0	0	0.0%	0		0		0		0		0		0	
MODESTO 116, 134	0	0	0.0%	0		0		0		0		0		0	
MODESTO 117	113	49	43.3%	18		29		24		20		20		29	
MODESTO 122	104	31	29.8%	21		9		15		14		13		16	
MODESTO 124	9	3	33.3%	1		2		1		2		2		1	
MODESTO 127	82	54	65.8%	25		26		30		21		21		32	
MODESTO 128	14	9	64.2%	4		5		9		0		6		3	
MODESTO 130	184	81	44.0%	46		29		45		30		36		40	
MODESTO 131	90	47	52.2%	27		15		25		17		22		19	
MODESTO 132	165	102	61.8%	49		49		52		45		56		44	
MODESTO 133	211	87	41.2%	45		37		53		29		42		41	
MODESTO 137	0	0	0.0%	0		0		0		0		0		0	
MODESTO 138	64	18	28.1%	13		4		10		7		6		11	
MODESTO 139	112	25	22.3%	13		12		11		14		7		18	
MODESTO 140	72	40	55.5%	17		20		23		15		15		21	
MODESTO 141	185	43	23.2%	28		11		17		20		13		26	
MODESTO 142	0	0	0.0%	0		0		0		0		0		0	
MODESTO 143	53	19	35.8%	7		9		8		9		8		11	
MODESTO 144	94	17	18.0%	9		8		11		6		3		14	
MODESTO 145	91	35	38.4%	22		7		19		14		17		14	
MODESTO 149	45	17	37.7%	9		4		5		8		4		10	
MODESTO 150	64	10	15.6%	7		3		5		5		8		2	
MODESTO 151	218	64	29.3%	29		30		31		26		29		32	
MODESTO 152	42	17	40.4%	8		8		6		11		6		9	
MODESTO 157	0	0	0.0%	0		0		0		0		0		0	
MODESTO 158	131	90	68.7%	41		47		50		35		39		49	
MODESTO 159	66	34	51.5%	13		19		15		12		17		15	
MODESTO 161	0	0	0.0%	0		0		0		0		0		0	
**** T O T A L S ****	82057	33636	40.9%	18105		13418		17485		13626		15838		15761	

SUMMARY	Consolidated Gubernatorial Primary Election - March 5, 2002 - Stanislaus County Official Results City of Modesto Council - Chair 2, 4 and 5 -										
Page Number 253.941.001	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE	Modesto City Coun. - Ch 2 Janice Keating	Modesto City Coun. - Ch 2 * Armour Smith	Modesto City Coun. - Ch 4 William E O'Bryant	Modesto City Coun. - Ch 4 Dan Hopkins	Modesto City Coun. - Ch 5 Denny Jackman	Modesto City Coun. - Ch 5 * Kenni Friedman		
18th Congressional Dist-	53160	20811	39.1%	11406	8082	10931	8315	9838	9688		
19th Congressional Dist-	28897	12825	44.3%	6699	5336	6554	5311	6000	6073		
State Senate Dist. 12th-	59788	24012	40.1%	13074	9449	12549	9662	11353	11228		
State Senate Dist. 14th-	22269	9624	43.2%	5031	3969	4936	3964	4485	4533		
State Assembly 17th- - -	0	0	0.0%	0	0	0	0	0	0		
State Assembly 25th- - -	71188	30138	42.3%	16197	12062	15674	12207	14293	14025		
State Assembly 26th- - -	10869	3498	32.1%	1908	1356	1811	1419	1545	1736		
Supervisorial Dist. 1- -	13958	5726	41.0%	3163	2225	2945	2367	2760	2624		
Supervisorial Dist. 2- -	0	0	0.0%	0	0	0	0	0	0		
Supervisorial Dist. 3- -	24364	8787	36.0%	4958	3222	4674	3438	4165	4026		
Supervisorial Dist. 4- -	41839	18658	44.5%	9711	7809	9604	7645	8708	8878		
Supervisorial Dist. 5- -	1896	465	24.5%	273	162	262	176	205	233		
City Of Ceres- - - - - -	0	0	0.0%	0	0	0	0	0	0		
City Of Hughson- - - - -	0	0	0.0%	0	0	0	0	0	0		
City Of Modesto- - - - -	82057	33636	40.9%	18105	13418	17485	13626	15838	15761		
City Of Newman - - - - -	0	0	0.0%	0	0	0	0	0	0		
City Of Oakdale- - - - -	0	0	0.0%	0	0	0	0	0	0		
City Of Patterson- - - -	0	0	0.0%	0	0	0	0	0	0		
City Of Riverside- - - -	0	0	0.0%	0	0	0	0	0	0		
City Of Turlock- - - - -	0	0	0.0%	0	0	0	0	0	0		
City Of Waterford- - - -	0	0	0.0%	0	0	0	0	0	0		
Unincorporated Area- - -	0	0	0.0%	0	0	0	0	0	0		
Vote At The Polls- - - -	82057	17229	20.9%	9349	6708	8680	7198	8051	8042		
Vote By Absentee Ballot-	0	16407	0.0%	8756	6710	8805	6428	7787	7719		
*** T O T A L V O T E -	82057	33636	40.9%	18105	13418	17485	13626	15838	15761		

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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-136

A RESOLUTION FOR ACCEPTANCE OF LANDSCAPE AND IRRIGATION RELATED IMPROVEMENTS IN ATHERTON PLACE SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF TRUST DEPOSIT

WHEREAS, City Council Resolution No. 2001-630, granted partial acceptance of subdivision improvements, with exception of landscaping and irrigation improvements, and

WHEREAS, John T. Verner and Kathleen M. Verner, and Edward A. Machado, submitted a Cashier's Check as a trust deposit to secure faithful performance and payment for labor and materials associated with landscape and irrigation improvements in the amount of $261,095; and

WHEREAS, John T. Verner and Kathleen M. Verner, and Edward A. Machado, has filed a warranty bond in the amount of $211,500 to guarantee improvements in Atherton Place subdivision which includes these landscape and irrigation improvements; and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all landscape and irrigation work required by the Subdivision Agreement, has been completed, to the satisfaction of the Engineering & Transportation Department; and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the landscape and irrigation improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the trust deposit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:

1. The landscape and irrigation improvements in Atherton Place Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the trust deposit for faithful performance and payment for labor and materials in the amount of $261,095 upon recordation of the Notice of Completion.

3. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $211,500 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-137

A RESOLUTION ACCEPTING THE BID OF SOUTHWEST RECREATIONAL IND., INC. FOR THE PROJECT TITLED "ROOSEVELT PARK TENNIS COURTS RENOVATION"

WHEREAS, the bids received for the Roosevelt Park Tennis Courts Renovation were opened at 11:00 a.m. on February 26, 2002, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $50,142.50 received from Southwest Recreational Ind., Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Southwest Recreational Ind., Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-138

A RESOLUTION ACCEPTING THE PROJECT TITLED "PARK SITE RESTROOM CONSTRUCTION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Park Site Restroom Construction, has been completed by Barham, Inc., in accordance with the contract agreement dated June 19, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Park Site Restroom Construction project be accepted from said contractor, Barham, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $184,860.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-139

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 ANNUAL BUDGET TO FULLY FUND THE PARK SITE RESTROOM CONSTRUCTION PROJECT

WHEREAS, on June 19, 2001, the City Council awarded a $177,062.00 contract to Barham, Inc. to install modular steel restrooms at Mildred Perkins, Floyd No. 2, Orchard, Robertson Road, Riverside and Bellenita Parks, and

WHEREAS, after contract award various items were charged against the project account that were not anticipated including (1) an electrical consultant contract, (2) a purchase order for lock installations, and (3) staff charges, and

WHEREAS, all of these charges were incurred prior to award but were not shown as expenditures against the project account at the time of award, and

WHEREAS, a shortage of funds occurred in the project account due to these charges as funds originally designated for the construction phase of the project were depleted by the charges, and

WHEREAS, the shortage resulted in additional funds being required to fully fund the project,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the 2001-02 Annual Budget (1) to increase the appropriation in Account Number 1350-310-M179 (Neighborhood Parks Improvements) $9,000, and (2) to reduce the appropriation of reserves in Account Number 1350-800-8000-8003 (Parks CFF Reserves) $9,000.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-140

A RESOLUTION AUTHORIZING THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT TO APPLY FOR GRANT FUNDS FOR THE PER CAPITA GRANT PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR AND COASTAL PROTECTION BOND ACT OF 2000, IN ORDER TO ENCUMBER $1,708,000 IN AFOREMENTIONED FUNDING

WHEREAS, the people of the State of California have enacted the Per Capita Grant Program which provides funds to meet the urgent need for safe, open and accessible local park and recreation facilities for increased recreational opportunities that provide positive alternatives to social problems, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the grant program, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the City of Modesto's City Council to certify by resolution the approval of the City of Modesto to apply for the Per Capita Allocation, and

WHEREAS, the City of Modesto will enter into a contract with the State of California, and

WHEREAS, the City of Modesto's share of the Per Capita funds is $1,708,000, which the City now desires to encumber, and

WHEREAS, the Human Services Committee met on November 26, 2001, and supported staff's recommendation to request by resolution that the City's Per Capita allocation be encumbered,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the Parks, Recreation and Neighborhoods Department to apply for grant funds for the Per Capita Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, in the amount of $1,708,000 in Per Capita Funds.

BE IT FURTHER RESOLVED that the City Council appoints the City Manager or his designee as agent to conduct all negotiations, execute and submit all documents including, but not limited to Applications, agreements, payment requests and so on, which may be necessary for the completion of project(s)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-141

A RESOLUTION AUTHORIZING THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT TO APPLY FOR GRANT FUNDS FOR THE ROBERTI-Z'BERG-HARRIS OPEN SPACE AND RECREATION PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR AND COASTAL PROTECTION BOND ACT OF 2000, IN ORDER TO ENCUMBER $548,262 IN AFOREMENTIONED FUNDING

WHEREAS, the people of the State of California have enacted the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 which provides funds for the Roberti-Z'Berg-Harris Open Space and Recreation Program, and

WHEREAS, the Legislature of the State of California has enacted the Roberti-Z'Berg-Harris Open Space and Recreation Program, which provides funds to certain political subdivisions of the State of California for acquiring lands and for developing facilities to meet urban recreational needs, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the grant program, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the City of Modesto's City Council to certify by resolution the approval of the City of Modesto to apply for the Roberti-Z'Berg-Harris Open Space and Recreation Program Allocation, and

WHEREAS, the City of Modesto will enter into a contract with the State of California, and

WHEREAS, the City of Modesto's share of the Roberti-Z'Berg-Harris Open Space and Recreation Program funds is $548,262, which the City now desires to encumber, and

WHEREAS, the Human Services Committee met on November 26, 2001, and supported staff's recommendation to request by resolution that the City's Roberti-Z'Berg-Harris Open Space and Recreation Program allocation be encumbered,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the Parks, Recreation and Neighborhoods Department to apply for grant funds for the Roberti-Z'Berg-Harris Open Space and Recreation Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, in the amount of $548,262 in Roberti-Z'Berg-Harris Open Space and Recreation Program Funds.

BE IT FURTHER RESOLVED that the City Council appoints the City Manager or his designee as agent to conduct all negotiations, execute and submit all documents including, but not limited to Applications, agreements, payment requests and so on, which may be necessary for the completion of project(s).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2001-142

A RESOLUTION APPROVING THE APPLICATION FOR ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FUNDS

WHEREAS, the Congress under Public Law 106-398 has authorized the establishment of Federal Fire Protection and Control Act and has appropriated $100 million dollars to carry out the Assistance to Firefighter Grant Program, and

WHEREAS, the Federal Emergency Management Agency (FEMA) is responsible for administration of the program, setting up necessary rules and procedures governing application by local agencies under the program, and

WHEREAS, said adopted procedures established by the Federal Emergency Management Agency require the applicant to provide 30% local matching funds and,

WHEREAS, the City of Modesto and Modesto Fire Department qualify to submit a grant request.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby:

1. Approves the filing of an application for Assistance to Firefighters Grant Program funds; and

2. Certifies that said agency has matching funds from the following source: Fire Department Operating Budget, and can finance 100 percent of the project, 70% of which will be reimbursed; and

3. Appoints the City Manager as agent of the city to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 143

A RESOLUTION APPROVING AN EXTENSION OF THE CONSULTANT SERVICES AGREEMENT WITH MACIAS, GINI & COMPANY, INDEPENDENT AUDITORS, FOR ONE (1) YEAR AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT

WHEREAS, in 1998, a contract with Macias, Gini & Company LLP, Certified Public Accountants ("Auditors") was executed and approved by the City Council, and

WHEREAS, staff has determined that an extension of said contract for one (1) year will be needed, which includes the audit of the City's financial statements for the year ending June 30, 2002, and related reports.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an extension of the Consultant Services Agreement with Macias, Gini & Company, Independent Auditors, for one (1) year.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute said agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-144

A RESOLUTION CANVASSING THE RESULTS OF THE MARCH 19, 2002, ELECTION HELD WITHIN THE TERRITORY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 1996-1, AND ORDERING ANNEXATION OF SAID TERRITORY TO THE DISTRICT (VILLAGE ONE - ANNEXATION #8)

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), the City Council (the "Council") of the City of Modesto (the "City"), by its Resolution of Formation No. 96-544, adopted on October 8, 1996, formed its Community Facilities District No. 1996-1 (the "District"), relating to territory within the Village One Area, and, subject to the vote of the qualified electors therein, authorized the levy of a special tax therein, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 1 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 2 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 3 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 4 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 5 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 6 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 7 to the District, and

WHEREAS, the Council thereafter declared its intention, by its Resolution of Intention to Annex No. 2002-46, adopted February 5, 2002, to annex certain territory to the District, a boundary map for which is recorded in **Volume 3 of Assessors Maps at page 52** in the Office of the Stanislaus County Recorder (the "Annexed Territory"), relating to territory within the Village One Area, and to levy a special tax therein (the "Special Tax") as set forth in Exhibit "A" hereto and by this reference incorporated

herein for the purposes of financing certain facilities and services as set forth in Exhibit "A" hereto, and by this reference incorporated herein, and to set a hearing thereon for March 12, 2002, and

WHEREAS, at the conclusion of the public hearing, the Council did, on March 12, 2002, adopt its Resolution No. 2002-122, in which it determined to submit the question of the annexation of territory to the District and the levy of the Special Tax therein to the qualified electors of the Annexed Territory, and called an election thereon, which was held on March 19, 2002,(the "Election"), and

WHEREAS, on March 19, 2002, the Election was held relative to the foregoing, and

WHEREAS, the City Clerk has certified that, at the Election the proposition of levying the Special Tax within the Annexed Territory was approved by at least two-thirds (2/3) of the votes cast,

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND, by the City Council of the City of Modesto, that:

1. The above recitals are true and correct.
2. The Election was duly and validly conducted in conformity with all applicable laws, rules and regulations pertaining thereto.
3. Based on the City Clerk's certificate of election results, attached hereto as Exhibit "B", the ballot proposition presented to the qualified electors of the Annexed Territory, at the Election received at least two-thirds (2/3) of the votes cast.
4. Pursuant to Section 53339.8 of the Act, it is hereby determined that the Annexed Territory is added to and is a part of the District with full legal effect, and that this Council may levy the Special Tax within the Annexed Territory.
5. The City Clerk of the City of Modesto is hereby directed to enter this resolution in the minutes of this City Council, which shall constitute the official declaration of the result of such Election, and is hereby further authorized and directed to record notice of the annexation by filing an amendment to the notice of special tax lien with the Office of the County Recorder for the County of Stanislaus pursuant to Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:
MICHAEL D. MILICH, City Attorney

Exhibit A

COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)

CITY OF MODESTO
STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT

MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

AMENDED APRIL 1997
FOR
ANNEXATION NO. 1

Prepared by:

VAIL ENGINEERING CORPORATION
2033 Howe Ave., Ste. 220
Sacramento, CA 95825
(916) 929-3323
(916) 929-1772 FAX

COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)
PUBLIC REPORT - MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

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COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)

CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT

MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

INTRODUCTION

WHEREAS, City Council of the City of Modesto did, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and specifically Section 53321.5 thereof, expressly order the filing of a written "Report" with the City for a proposed Community Facilities District. This Community Facilities District shall hereinafter be referred to as:

Community Facilities District No. 1996-1 (Village One).

(hereinafter referred to as the "District") and

WHEREAS, the Resolution ordering said "Report" did direct that said "Report" generally contain the following:

(1) A description of the public capital facilities and services proposed for the District;

(2) A general description of the area to be served by said facilities; said areas being the boundaries of the District;

(3) A cost estimate, setting forth the costs and expenses for providing the public facilities and services to the properties within the boundaries of the District and the costs of any incidental expenses to be paid by the District;

(4) The rate and method of apportionment of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the annual amount of payment;

(5) General Terms and conditions relating to the proceedings.

For particulars, references is made to the Resolution of Intention ordering the report, as previously approved and adopted.

NOW, THEREFORE, I, Jerry L. Slinkard, P.E., authorized representative for Vail Engineering Corporation, the appointed responsible officer or person directed to prepare the Report, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, do hereby submit the following data:

COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)
CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

I. DESCRIPTION OF FACILITIES

All facilities described herein are as presented in the *Village One Facilities Master Plan* adopted June 1996. Said master plan is incorporated herein by reference. The following descriptions summarize the facilities to be funded within the CFD 1996-1.

A. ARTERIAL ROADS

The circulation plan for Village One consists of six major streets (four arterials and two expressways). For the purpose of this document, all six roadways are referred to as arterial roads. Urban interchanges are not included in the *Village One Finance Plan*. It is anticipated that subsequent updates to the Capital Facilities Fee Program will include urban interchanges. Refer to the Facilities Master Plan for right-of-way widths along arterial roads. The arterial roads are:

- Claus Road (Expressway): Briggsmore to AT and SF railroad, widen to six-lane expressway.
- Briggsmore (Expressway): Oakdale Road to Claus Road, widen to six-lane expressway.
- Sylvan Avenue: Oakdale Road to Roselle Avenue, widen to six lanes; Roselle Avenue to Clause Road, widen to four lanes plus bike lanes.
- Floyd Avenue: Oakdale Road to Claus Road, widen to four lanes plus bike lanes and parking.
- Oakdale Road: Briggsmore to Sylvan, widen to six lanes.
- Roselle Avenue: Briggsmore to Sylvan, widen to four lanes plus bike lanes.

B. STORM DRAINAGE SYSTEM

The storm drainage system for Village One consists of three basins for detention and retention:

1. West Basin (9.56 acres): Retention with pump out facilities to Central Basin.

2. Central Basin (15.59): Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

3. Industrial Basin (8 acres): Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

The facilities to be funded in CFD 1996-1 include: basins, land for basins, trunk gravity, drainage pipes in sizes ranging from 24 inches in diameter to 72 inches in diameter, and force mains. A detailed description and location of facilities is contained in *"Village One Facilities Master Plan"* adopted June 1996 and incorporated herein by reference.

C. UTILITY RELOCATION

The cost of a PG&E high pressure gas main within Claus Road between Briggsmore Avenue and Sylvan Avenue is identified for relocation.

D. PARKS

Three neighborhood parks and one community park will be developed within CFD 1996-1. The development of the parks will include the acquisition of land, park improvements, and street frontage improvements for:

Community Park	39 acres
Roselle Neighborhood Park	7 acres
Claus Neighborhood Park	7 acres
Merle Neighborhood Park	8 acres

In addition, 21.3 acres of buffer land for the community park is to be acquired, a bike trail is to be developed along M.I.D. Lateral No. 3, and a trail is to be developed along Claus Road.

E. PUBLIC FACILITIES

An area office for police is proposed within Village One. Funds are provided within CFD 1996-1 for tenant improvements necessary to set up an area office.

F. OTHER

Other costs associated with Village One include reimbursement to the City of Modesto for engineering of the Facilities Master Plan and planning related to the *Village One Specific Plan*, future annual administration costs for the CFD, and community signage for Village One.

G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET PARKWAYS*

The City will maintain the community park, Roselle Park, Claus Park, Merle Park, and arterial road parkways landscaping in a "good standard of maintenance" as defined by the Parks Department. M.I.D. Trail and Claus Trail will be maintained as Class I trails.

**Street parkways includes median and roadside landscape and hardscape.*

II. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT ANNEXATION NO. 1

The maps located at the end of the report includes land within Village One that will be annexed to and contained within Community Facilities District 1996-1 (Village One) Annexation No. 1.

III. COST ESTIMATES

A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX

The capital costs for CFD 1996-1 (Village One) Annexation No. 1 amended April, 1997, as estimated in the *Village One Facilities Master Plan* adopted June 1996, and as shown on page 28 of the *Village One Finance Plan*, is $48,457,856. This figure is based upon 1996 costs as set forth in the adopted Facilities Master Plan for Village One. These costs are subject to an annual inflation adjustment based upon the Engineering News Record Cost Index for the San Francisco region. A breakdown of these costs are as follows:

Arterial Roads	$20,509,278
Storm Drainage	$13,240,470
Utility Relocation	$1,120,458
Parks	$10,863,967
Public Facilities	$25,000
Other	$2,698,683
Subtotal:	$48,457,856
Annual CFD Administration (1%)	$484,579

In addition to the capital costs, an annual cost to administer the CFD is estimated at 1% of the capitol costs, or $484,579 over the life of the district.

Total district with administration is: $48,942,435

B. OPERATIONS AND MAINTENANCE COSTS FOR MAINTENANCE SPECIAL TAX

Estimated annual cost to the CFD at full buildout of Village One in 1996 dollars to provide operations and maintenance (O&M) of parks, street/parkway, and pathways (including landscaping) is $850,000. A breakdown of these annual O&M costs are:

- Annual maintenance cost at buildout in 1996 dollars:

Community Park and three (3) neighborhood parks			$149,073
Street/Parkways: *1,500,000 sq. ft. x $0.417 / sq. ft.*			$625,500
Pathway Landscaping: Subtotal Paths			$44,965
Class I:	*17,889 / 5,280 x $4,020 =*	*$13,560*	
Class II:	*82,388 / 5,280 x $1,500 =*	*$23,405*	
Class III:	*84,480 / 5,280 x $500 =*	*$8,000*	
		$44,965	
Weed and Litter Abatement			$4,251
Misc. Annual Admin/Cont. (3%)			$26,211
		Total Annual Cost:	$850,000

- *Total annual costs at "good" standard for all neighborhood and community parks in 1996 dollars is $708,676. The amount attributed to the Village One CFD is $149,073.*

IV. RATE AND METHOD *(By David Taussig and Associates)*

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1996-1 (herein "CFD No. 1996-1") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1996-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1996-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, or other recorded County parcel map.

"Annual Maintenance Special Tax" means a Special Tax levied in any Fiscal Year to pay for the operations and maintenance of parks, street landscaping pathways, weed and litter abatement, and miscellaneous annual administrative and contractual costs.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the County Assessor of the County of Stanislaus designating parcels by Assessor's Parcel Number.

"City" means the City of Modesto.

"City Manager" means the City Manager of the City of Modesto.

"Commercial Property" means all Parcels of Developed Property for which a building permit has been issued for a commercial establishment which sells general merchandise, hard goods, personal and professional services, and other items directly to consumers, including but not limited to travel agencies, hardware stores, food stores, automotive dealers, service stations, home furnishing stores,

restaurants, banks, repair shops, movie theaters, day care centers, and art galleries. In addition, all professional office space, including company headquarters, medical office buildings, and other such buildings, will be defined as Commercial Property.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1996-1.

"Developed Property" means, in any Fiscal Year, all Taxable Property for which a building permit for new construction was issued prior to March 1 of the preceding Fiscal Year or for which a Final Subdivision Map was recorded prior to March 1 of the preceding Fiscal Year creating individual lots for which a building permit may be issued without further subdivision.

"Facilities Special Tax" means a Special Tax levied in any Fiscal Year to pay for public facilities authorized to be funded by CFD No. 1996-1, including appurtenant expenses such as planning, design, engineering, inspection and financing costs.

"Final Subdivision Map" means a final subdivision map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) that creates individual lots for which building permits may be issued. The term "Final Subdivision Map" shall not include any Assessor's Parcel Map or subdivision map or portion thereof, that does not create individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Gross Acreage" means, for Developed Property, the total acreage within the Final Subdivision Map or Parcel map less arterial road right-of-ways (as defined and identified in the *Village One Specific Plan* #8, the *Village One Financing Plan* and *CFD Public Report*) and property that is identified in the Final Subdivision Map for use as a park site, school site, or storm drainage basin. For Undeveloped Property, Gross Acreage means the acreage identified on the Assessor's Map.

"Industrial Property" means all Parcels of Developed Property for which a building permit has been issued for a non-residential structure that is not Commercial Property.

"Land Use Class" means any of the five classes listed in Table 1 and Table 2 below.

"**Maintenance Special Tax Requirement**" means the amount necessary in any Fiscal Year (I) to pay for authorized maintenance expenses, (ii) to pay administrative expenses of CFD No. 1996-1, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

"**Maximum Special Tax**" means the maximum Special Tax, determined in accordance with Section C below, that can be levied by the City in any Fiscal Year on Taxable Property.

"**Multi-Family Residential**" means any residential structure consisting of two or more residential units that share common walls including, but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, apartment units, including senior housing that fits within the aforementioned description.

"**Other Property**" means any Parcel of Developed Property for which a building permit has been issued for a use other than Very Low Density Residential, Village Residential, Multi-Family Residential, Commercial or Industrial Property.

"**Other Undeveloped Property**" means all Taxable Property that is not classified as Developed Property, Undeveloped Commercial Property, Undeveloped Industrial Property or Undeveloped Residential Property.

"**Public Agency**" means the federal government, State of California or other local governments or public agencies.

"**Subdivided Property**" means all Parcels which, after recordation of a Final Subdivision Map, are in their final configuration and for which building permits may be issued. Subdivided Property shall not include any Assessor's Parcels that are not individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

"**Undeveloped Commercial Property**" means any Parcel that is not Developed Property that is anticipated to be developed as Commercial Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"**Undeveloped Industrial Property**" means any Parcel that is not Developed Property that is anticipated to be developed as Industrial Property, as determined first by

reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"**Undeveloped Residential Property**" means any Parcel that is not Developed Property that is anticipated to be further subdivided and developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"**Very Low Density Residential**" means a residential structure consisting of only one residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre.

"**Village One Facilities Master Plan**" means the facilities master plan for development Village One adopted in June 1996, and as may be amended in the future.

"**Village One Specific Plan**" means the Specific Plan for development in Village One of the City of Modesto, as adopted by the City Council and as amended in future years.

"**Village Residential**" means a residential structure consisting of only one residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre.

B. ASSIGNMENT TO LAND USE CLASS

After issuance of a building permit and prior to final building permit inspection or issuance of a certificate of occupancy for a Parcel in CFD No. 1996-1, the Parcel shall be assigned to the appropriate Land Use Class based upon the land use and density proposed for the Parcel. For Multi-Family Residential Property, the number of residential units shall be determined by referencing the condominium plan, apartment plan, site plan or other development plan. If the Parcel is designated as Other Property, the City or its designee shall identify the appropriate Land Use Class for purposes of calculating the Maximum Special Tax by determining the land use that was anticipated for the Parcel based on reference to the current *Village One Specific Plan*. Determination of the appropriate Land Use Class shall be at the sole discretion of the City.

C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

a) Very Low Density Residential Property and Village Residential Property

Prior to recordation of each Final Map for property in CFD No. 1996-1, the City or its designee shall determine the Gross Acreage included within the Final Map and, for Very Low Density Residential Property and Village Residential Property, shall apply the following steps to determine the actual Maximum Special Tax that will apply to each unit within the Final Map:

Step 1: Determine if there is a portion of the Final Subdivision Map acreage that is not Subdivided Property, as defined in Section A above. Calculate the Gross Acreage associated with such unsubdivided Parcels by identifying the acreage of the Parcel and (I) adding all or a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way to either: 1.) the centerline, if acreage within the final map fronts on both sides of the non-arterial road or, 2) the opposite right-of-way line if there is no fronting acreage within the final map or on the opposite side of the non-arterial road, and (ii) subtracting of the acreage of any arterial right-of-way included in the final map.

Step 2: Identify the Land Use Class that applies to all Parcels of Subdivided Property within the Final Subdivision Map.

Step 3: Determine the Gross Acreage of all Subdivided Property included within the Final Subdivision Map. If more than one Land Use Class is represented within the Final Subdivision Map, distribute the Gross Acreage of all Subdivided Property to each Land Use Class.

Step 4: Multiply the Gross Acreage for each Land Use Class determined in Step 3 by the Facilities Special Tax identified for each Land Use Class in Table 1 below.

Step 5: Separately for each Land Use Class identified in the Final Subdivision Map, divide the product determined in Step 4 by the number of residential units within that Land Use Class as reflected in the Final Subdivision Map.

Step 6: Multiply the quotient(s) determined in Step 5 by 1.01 to calculate the Facilities Special Tax per residential unit that shall be collected prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

b) Multi-Family Residential Property, Commercial Property, and Industrial Property

The Maximum Facilities Special Tax for Multi-Family Residential, Commercial and Industrial Property shall be determined as follows:

Step 1: Determine the Gross Acreage of the Multi-Family Residential, Commercial, or Industrial Property within the Final Subdivision Map. Such determination shall include netting out any property within the Final Subdivision Map that is not Subdivided Property, as set forth in Step 1 of Section C.1.a. above.

Step 2: Multiply the Gross Acreage determined in Step 1 by the Maximum Facilities Special Tax applicable to each Land Use Class as shown in Table 1 below.

Step 3: Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

Table 1
Per-Acre Special Tax to be Used in
Calculation of Maximum Facilities Special Tax
For Annexation Area No. 1
(Fiscal Year 1996-97)

Land Use Class	Description	Per-Acre Special Tax
1	Very Low Density Residential	$19,715 per Gross Acre
2	Village Residential	$29,479 per Gross Acre
3	Multi-Family Residential	$76,394 per Gross Acre
4	Commercial	$86,610 per Gross Acre
5	Industrial	$40,564 per Gross Acre

Beginning in January 1997, the Facilities Special Tax shall be adjusted annually by applying the greater of (I) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Facilities Special Tax shall become effective on the subsequent July 1, and shall apply to all Parcels which have not paid the Facilities Special Tax prior to July 1.

The Facilities Special Tax represents a lien on each Parcel which is anticipated to be released upon payment of the Facilities Special Tax, which is expected to occur no later than final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

2. Maintenance Special Tax

All Taxable Property within this CFD Annexation No. 1 shall be subject to a Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1996-1 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner.

a) Developed Property

The following maximum rates apply to all Parcels of Developed Property within CFD No. 1996-1 for each Fiscal Year in which the Maintenance Special Tax will be levied:

Table 2
Maximum Annual Maintenance Special Tax
(Fiscal Year 1996-97)

Land Use Class	Description	Maximum Annual Maintenance Special Tax
1	Very Low Density Residential	$112.43 per lot
2	Village Residential	$112.43 per lot
3	Multi-Family Residential	$ 72.99 per unit
4	Commercial	$394.30 per Gross Acre
5	Industrial	$394.30 per Gross Acre

Beginning in January 1997, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the greater of (I) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

b) Undeveloped Property

Undeveloped Residential Property:

The maximum Annual Maintenance Special Tax for each Parcel of Residential Undeveloped Property shall be determined as follows:

Step 1: Determine whether the Parcel will be developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property determined by reference to the *Village One Specific Plan.*

Step 2: Multiply the average density for the Parcel's Land Use Class as determined in Step 1 by the Gross Acreage of the Parcel to determine the average number of units that could be built on the Parcel. The average density for each Land Use Class shall be determined based on reference to the *Village One Specific Plan*.

Step 3: Multiply the average number of units for the Parcel as determined in Step 2 by the maximum Annual Maintenance Special Tax for the appropriate Land Use Class, as determined by reference to Table 2.

Step 4: Multiply the figure calculated in Step 3 by 0.50 to determine the total Maintenance Special Tax to be levied on the Parcel.

Undeveloped Commercial and Undeveloped Industrial Property:

The maximum annual Maintenance Special Tax that can be levied on Undeveloped Commercial and Undeveloped Industrial Property is the same as those rates identified in Table 2 above for Developed Commercial or Industrial Property.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

The Facilities Special Tax shall be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction for any residential or non-residential structure within CFD No. 1996-1 and shall be immediately delinquent if not so paid.

2. Maintenance Special Tax

Commencing with Fiscal Year 1997-98 and for each following Fiscal Year, the City or its designee shall determine the Maintenance Special Tax Requirement to be collected from Taxable Property in CFD No. 1996-1 in the Fiscal Year. The Maintenance Special Tax shall then be levied as follows:

Step 1: Calculate the total Maintenance Special Tax revenues that could be collected from Developed and Undeveloped Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C above.

Step 2: Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.

Step 3: If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Maintenance Special Tax determined pursuant to Section C on all Developed and Undeveloped Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.

Step 4: Levy the maximum Annual Maintenance Special Tax against all Parcels of Developed Property. Subtract the amount generated from Developed Property from the Maintenance Special Tax Requirement, and levy a Maintenance Special Tax on all Parcels of Undeveloped Residential, Undeveloped Commercial and Undeveloped Industrial Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax for Undeveloped Property determined pursuant to Section C.2.b. above.

The Annual Maintenance Special Tax for CFD No. 1996-1 shall be colleded in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1996-1 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes.

E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

F. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

V. GENERAL TERMS AND CONDITIONS

A. SUBSTITUTION FACILITIES

The description of the general capital facilities, as set forth herein and as shown in the Facilities Master Plan, are conceptual in their nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans may show substitutes, in lieu or modifications to the proposed work in order to accomplish the work of improvement, and any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in this report.

B. APPEALS AND INTERPRETATION PROCEDURE

Any landowner or resident who feels that the amount of formula of the special tax is in error may file a notice with the legislative body appealing the levy of the special tax. An appeals panel of three members, as appointed by the legislative body, will then meet and promptly review the appeal, and if necessary, meet with the applicant. If the findings of the Appeals Board verify that the tax should be modified or changed, a recommendation at that time will be made to the legislative body, as appropriate, the special tax levy shall be corrected, and if applicable, in any case, a refund shall be granted.

Interpretations may be made by the legislative body by Resolution for purposes of clarifying any vagueness or ambiguity as it relates to any category, zone, rate or definition applicable to these proceedings.

C. ADMINISTRATION OF FUNDS

1. Facilities Fund

All funds received from the payment of the one-time facilities special tax shall be maintained in a single facilities fund account. This account shall apportion the funds into the facilities categories as shown on page 43 of the "City of Modesto Village One Finance Plan" as adopted by the City Council in Resolution No. 96-463 dated August 13, 1996, or as said ordinance may be amended. The City has full discretion in the use of the funds for all authorized facilities within this pooled account. Accounting of the fund shall

track the use of funds to insure the ultimate distribution of funds at buildout are as proportioned in said Ordinance 96-463.

2. **Maintenance Fund**

All annual maintenance special taxes shall be maintained in a single account. Funds shall be utilized at the discretion of the City to fund authorized maintenance and administration services.

VI. CERTIFICATION

It is my opinion that the special tax rate and method of apportionment, as set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

Jerry L. Slinkard
Vail Engineering Corporation

Date

Exhibit B

EXHIBIT B

CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2002-122, the Resolution calling for the Election, adopted on March 12, 2002 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1996-1(8) on March 19, 2002, and that the election was conducted by mail or in person at the City Hall of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cost for and against the measure.

Proposition A. Shall a special tax with a maximum rate, method of apportionment, and manner of collection as established in the Resolution of Formation adopted at a public hearing held by the City Council of the City of Modesto on March 12, 2002, be levied within the territory proposed to be annexed to Community Facilities District No. 1996-1(8) for the purposes of financing certain public facilities and services as provided in the Resolution?

TOTAL VOTES CAST: YES 73 NO 0

Dated: March 13, 2002

Jean Zahr

JEAN ZAHR
City Clerk of the City of Modesto

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 – 145

Print

A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE ANTI-LITTER PROJECT TEAM AND DIRECTING STAFF TO RETURN WITH IMPLEMENTATION PLANS.

WHEREAS, the City of Modesto has adopted a Strategic Plan which includes as a desired objective visually improving the community through beautification and anti-litter projects, and

WHEREAS, an Anti-Litter Project Team has been formed, composed of citizens-at-large, civic groups, city staff, and other outside agencies, to develop ideas for an anti-litter campaign which includes education, community activism, and enforcement, and

WHEREAS, by an agenda report to the City Council from the Operations & Maintenance Department, dated March 15, 2002, the Anti-Litter Project Team sets forth its recommendations as follows:

1. Designate April as *"Keep Modesto Beautiful"* month, as part of the Keep California Beautiful anti-litter campaign.

2. Support April 27, 2002 as "*Clean our Community Day"* in Modesto.

3. Support staff efforts to enact local anti-litter ordinances.

4. Consider supporting a cost share with Stanislaus County at a cost of $10,000 per year to each agency, to allow for supplemental litter pickup on Highway 99, through the adopt a highway program, placing litter removal on a twice-monthly basis.

5. Continue funding for a Deputy Sheriff to oversee inmate crews picking up litter along 58 miles of city street right-of-ways ($83,000 per year).

6. Reestablish Neighborhood Environmental Action Teams to adopt major roadway areas for litter removal within the city limits.

7. Support a campaign to cover loads going to landfill and to and from construction sites. Support spot enforcement by the Modesto Police Department and other agencies for citations during the month of April.

8. Support development of a brochure to be handed out at the transfer stations informing people of the requirement to cover loads.

9. Establish an anti-litter hotline to report offenders.

10. Endorse the development of integrated school curriculum for targeted age groups.

11. Endorse the continuance of illegally dumped materials being removed promptly by waste haulers.

and

WHEREAS, on March 20, 2002, the Community Development & Housing Committee met and approved the recommendations of the Anti-Litter Project Team,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the recommendations of the Anti-Litter Project Team as set forth above. However, approval of Recommendation No. 4 is conditioned upon a donation of the $10,000 necessary to implement that recommendation by the Plumbers and Pipefitters Local Union No. 442 as offered by said Union's Business Manager, Larrell Fortner, at the meeting.

BE IT FURTHER RESOLVED that staff is directed to return to the City Council with plans for the implementation of these recommendations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By:
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-146

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 OPERATING BUDGET TO TRANSFER $30,000 FROM THE GENERAL FUND RESERVE TO 0100-380-3801-1060, YOUTH SCHOLARSHIPS TO PROVIDE ADDITIONAL FUNDING FOR THE YOUTH FINANCIAL ASSISTANCE PROGRAM.

WHEREAS, the City of Modesto has a financial assistance program available to income-eligible youth, disabled adults and seniors, and

WHEREAS, $109,000 has been allocated to the program for the past three years, and

WHEREAS, $84,000 was allocated to the program for Fiscal Year 2001-02, all of which has already be appropriated to current card holders, and

WHEREAS, there are approximately 400 pending applications for which there is no funding, and

WHEREAS, the Financial Policy Committee considered this item at its January 24, 2002, and February 28, 2002 meetings, and supports staff's recommendation to increase funding by $30,000 for Fiscal Year 2001-02,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2001-02 operating budget is hereby amended to transfer $30,000 from the General Fund Reserve, 0100-800-8000-8003, to 0100-380-3801-1060, Parks Recreation and Neighborhoods Department, Community Services, Youth Scholarships.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Sabatino

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-147

A RESOLUTION DIRECTING THE FINANCE DEPARTMENT TO INCREASE THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT FISCAL YEAR 2002-03 TARGET BY $30,000 TO BE ALLOCATED TO 0100-380-3801-1060, YOUTH SCHOLARSHIPS TO PROVIDE ADDITIONAL FUNDING FOR THE YOUTH FINANCIAL ASSISTANCE PROGRAM.

WHEREAS, the City of Modesto has a financial assistance program available to income-eligible youth, disabled adults and seniors, and

WHEREAS, $109,000 has been allocated to the program for the past three years, and

WHEREAS, $84,000 was allocated to the program for Fiscal Year 2001-02, and

WHEREAS, this funding was increased by $30,000 by separate action of the City Council on April 2, 2002, and

WHEREAS, the Financial Policy Committee considered this item at its January 24, 2002, and February 28, 2002 meetings, and supports staff's recommendation to increase funding by $30,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Finance Department is hereby directed to increase the Parks, Recreation and Neighborhoods Department Fiscal Year 2002-03 target by $30,000 to be allocated to 0100-380-3801-1060, Youth Scholarships.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNIL
RESOLUTION NO. 2002-148

A RESOLUTION AFFIRMING THE CITY'S CO-SPONSORSHIP OF "EARTHDAY IN THE PARK FESTIVAL, 2001!" AT GRACEADA PARK AND ALLOWING THE SALE OF MERCHANDISE IN THE PARK DURING THE EVENT.

WHEREAS, in 1970, Earth Day was established to make the public aware of programs successful in protecting the environment and conserving natural resources, and

WHEREAS, by Resolution No. 92-129, adopted March 24, 1992, the City Council acknowledged "Earth Day in the Park" as an annual event, and

WHEREAS, the Citizen's Advisory Committee on Recycling (CACOR) sponsors the event, and the 13th Annual "Earth Day in the Park" will be held on Saturday, April 20, 2001, at Graceada Park, and

WHEREAS, "Earth Day in the Park Festival, 2001!" drew 88 vendors and an estimated 10,000 residents, and

WHEREAS, because the CACOR is an advisory committee to the City Council, the group's ability to obtain event liability coverage is restricted, and City co-sponsorship of the event will allow provision of automatic coverage under the umbrella of the City's existing insurance policy, and

WHEREAS, the City's Risk Manager has assessed the scope of the event and determined it to be of minimal exposure to the City, and

WHEREAS, as in prior years' events, the Committee seeks Council approval for the sale of merchandise in the Park during the event, and

WHEREAS, this event provides a forum for merchants to display and sell their "environmentally friendly" merchandise, and for the creation of a "festival atmosphere", while giving the public an opportunity to make purchases of positive benefit to the environment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City hereby affirms its co-sponsorship of "Earth Day in the Park Festival, 2002!", at Graceada Park.

BE IT FURTHER RESOLVED by the Council that it hereby approves the sale of merchandise at Graceada Park during the "Earth Day in the Park Festival, 2002!" event.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-149

A RESOLUTION REJECTING BIDS FOR THE PROJECT TITLED "INSTALL EMERGENCY GENERATORS AT WELL 57 AND TANKS 6, 7, & 8"

WHEREAS, the bids received for Install Emergency Generators at Well 57 and Tanks 6, 7, & 8 were opened at 11:00 a.m. on February 5, 2002, and

WHEREAS, during the bid evaluation process, staff determined that the generators, proposed by the low bidder, were not of the same manufacturer as intended, therefore staff recommends bids be rejected and the specifications be revised and re-solicitation for this service be conducted at a later date,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Install Emergency Generators at Well 57 and Tanks 6, 7, & 8, opened in the office of the City Clerk on February 5, 2002, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2002, by Councilmember, who moved its adoption, which motion being duly seconded by Councilmember, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-150

A RESOLUTION ACCEPTING THE PROJECT TITLED "INSTALLATION OF TRAFFIC SIGNAL AT S.R. 99 SOUTHBOUND RAMPS AND KANSAS AVENUE" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Installation of Traffic Signal at S. R. 99 Southbound Ramps and Kansas Avenue, has been completed by Steiny & Company, Inc., in accordance with the contract agreement dated June 27, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Installation of Traffic Signal at S. R. 99 Southbound Ramps and Kansas Avenue project be accepted from said contractor, Steiny & Company, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $93,492.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 -151

A RESOLUTION APPROVING A MANAGEMENT SERVICES AGREEMENT WITH GREGORY BAIRD, GOVERNMENT CONSULTING SERVICES ("SERVICE PROVIDER") AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT

WHEREAS, on December 6, 2001, the City of Modesto entered into a letter agreement with Gregory Baird for interim management services, and

WHEREAS, the City has determined a need for additional interim management services, and

WHEREAS, the Service Provider represents that it is qualified, willing and able to provide the financial management services requested, and

WHEREAS, the City Council is required to approve all contracts over $50,000,

WHEREAS, the City Council determined that the contract should have a termination date of July 15, 2002 and that the fees paid under the contract should not exceed $100,000

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Management Services Agreement with Gregory Baird, Government Consulting Services, is hereby approved.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute said agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-152

A RESOLUTION WAIVING FORMAL BID PROCEDURES BY FIVE (5) AFFIRMATIVE VOTES AND APPROVING A TWO (2) YEAR CORPORATE DIGITAL ADVANTAGE (CDA) AGREEMENT WITH AT&T WIRELESS FOR AN APPROXIMATE ANNUAL COST OF $66,000.00 WITH AN ADDITIONAL TWO (2) YEAR EXTENSION OPTION , AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, select City of Modesto employees while in the course of conducting official City business have shown a demonstrated need to use cellular phones, and

WHEREAS, the City has been using AT&T Wireless service to provide said service and phones since 1993, and

WHEREAS, AT&T as part of said service conducts annual service audits to determine if the City is taking advantage of the most cost effective rate plan, and

WHEREAS, the findings of said audit showed that the City would show a significant cost (approximately $9,000.00 annually)and time savings, in addition to receiving "service benefits," by signing a Corporate Digital Advantage (CDA) agreement with AT&T , and

WHEREAS, "service benefits" include but are not limited to; family members of City of Modesto employees having access to the City plan and a custom CD-ROM billing tool, and

WHEREAS, the Purchasing Division has evaluated alternate AT&T plans available, including the State of California AT&T which does not include receiving "service benefits" and which the City would have to pay a fee to access, and

WHEREAS, the Purchasing Officer has determined that a process other than the formal bid procedures set forth in Section 8-3.204 of the Modesto Municipal Code will result in a procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, the AT&T CDA plan was presented to the Audit Committee at its meeting on February 13, 2002.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a two (2) year Corporate Digital Advantage (CDA) agreement

with AT&T Wireless for an approximate annual cost of $66,000 with an additional, two (2) year extension option.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Jackman, Keating, O'Bryant

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
Michael D. Milich, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-153

Print

A RESOLUTION GRANTING THE APPEAL OF ERIK AND CATRINA LUNDEBERG, CLAYTON KENNETH GOTTSCHALK, ELIZABETH DIDDION AND JOHN YOUNG, DEBBIE AND RON RENZ, AND DAVID A. AND JEANNIE OLSON TO A BOARD OF ZONING ADJUSTMENT DECISION DENYING THEIR APPEAL TO A STAFF DECISION APPROVING A SECOND STORY ADDITION TO A HOME LOCATED AT 1013 ENCINA AVENUE

WHEREAS, Section 10-2.508(b) requires plot plan review by the Community Development Director for second-story additions to homes in existing residential areas in the R-1 Zone; and

WHEREAS, on October 8, 2001, Linda Chilles submitted plot plans and elevations for a second story addition to the home located at 1013 Encina Avenue, and

WHEREAS, per City policy, a letter was mailed to adjoining property owners on October 11, 2001, to inform them of the proposed addition; and

WHEREAS, the revised plans staff requested from the applicant were received on October 23, 2001; and

WHEREAS, after review, it was determined by staff that the revised plans conformed to City standards for second story additions; and

WHEREAS, on November 1, 2001, the Director issued a letter of approval of the second-story addition to the applicant and adjoining property owners; and

WHEREAS, on November 15, 2001, Erik and Catrina Lundeberg, Clayton Kenneth Gottschalk, Elizabeth Diddion and John Young, Debbie and Ron Renz, and David A. Olson and Jeannie Olson filed an appeal of this decision to the Board of Zoning Adjustment pursuant to Section 10-2.2801 of the Municipal Code; and

WHEREAS, a public hearing was be held by the Board of Zoning Adjustment on December 20, 2001, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which meeting evidence both oral and documentary was received and considered, and

WHEREAS, by Resolution No. 2001-26 the Board of Zoning Adjustment denied the appeal and approved the second story addition to the home located at 1013 Encina Avenue subject to the following modifications to the site plan:

1. The west-facing windows on the second story, as shown on the plan before the Board, shall be deleted, but may be replaced by clerestory windows. Any conventional opening windows shall be located on the south side of the second story.
2. The exterior doorway on the east side of the building shall be deleted, and replaced by an internal connecting door between the addition and the existing garage.
3. Climbing vines as approved by the Chief Building Official shall be installed on the north wall of the proposed addition, and shall be maintained by the property owner.

and

WHEREAS, an appeal to the decision of the Board of Zoning Adjustment was filed with the Office of the City Clerk by the above mentioned appellants on January 23, 2002, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council at its regular meeting place in the Tenth Street Place Chambers, located at 1010 10th Street, Modesto, California, at 5:15 p.m. on February 12, 2002, at which time said public hearing was held, and evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing the Council found and determined that said appeal to the decision of the Board of Zoning Adjustment should be granted and the decision of the Board of Zoning Adjustment should be reversed for the following reason:

The second story addition is incompatible with the adjoining residential uses.

NOW,THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Erik and Catrina Lundeberg, Clayton Kenneth Gottschalk, Elizabeth Diddion and John Young, Debbie and Ron Renz, and David A. Olson and Jeannie Olson, to the decision of the Board of Zoning Adjustment denying the appeal to a staff decision approving a second story addition to a home located at 1013 Encina Avenue is granted, and the decision of the Board of Zoning Adjustment is hereby affirmed for the reasons set forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-154

Print

A RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN LAND USE DIAGRAM TO REDESIGNATE PROPERTY LOCATED BETWEEN ROSEBURG AND MENSINGER AVENUES WEST OF MCHENRY AVENUE FROM RESIDENTIAL TO MIXED USE.

WHEREAS, on August 15, 1995, by Resolution No. 95-408, the City Council certified the Final Master Environmental Impact Report ("EIR") for the Urban Area General Plan (SCH No. 92052017), and

WHEREAS, a new General Plan for the City of Modesto entitled "City of Modesto Urban Area General Plan", as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 95-409 on August 15, 1995, and

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, and 2001-476 copies of which are on file in the office of the City Clerk, and

WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body, and

WHEREAS, Mid-Valley Engineering has applied for an amendment to the General Plan to redesignate one acre located between Roseburg and Mensinger Avenues west of McHenry Avenue from Residential to Mixed Use to allow office development, and

WHEREAS, the Community Development Department has analyzed the proposed amendment and concluded that the site is in an appropriate location for offices, in that it is located on a Minor Arterial street and is immediately adjacent to existing commercial uses and is compatible with nearby single-family housing, and

WHEREAS, on February 11, 2002, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, relating to this proposed amendment to the Modesto Urban Area General Plan Land Use Diagram, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 2002-10, recommending to the City Council an amendment to the Modesto Urban Area General Plan Land Use Diagram to redesignate one acre located between Roseburg and Mensinger Avenues west of McHenry Avenue from Residential to Mixed Use, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 26, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the Modesto Urban Area General Plan Land Use Diagram,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban Area General Plan Land Use Diagram to redesignate one acre located between Roseburg and Mensinger Avenues west of McHenry Avenue from Residential to Mixed Use is in the public interest and is required for the public health, safety and welfare of the citizens of Modesto and said General Plan is hereby amended to read as shown on Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to send certify copies of this resolution and said amendment to the General Plan to the Board of Supervisors of the County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Mayor Sabatino

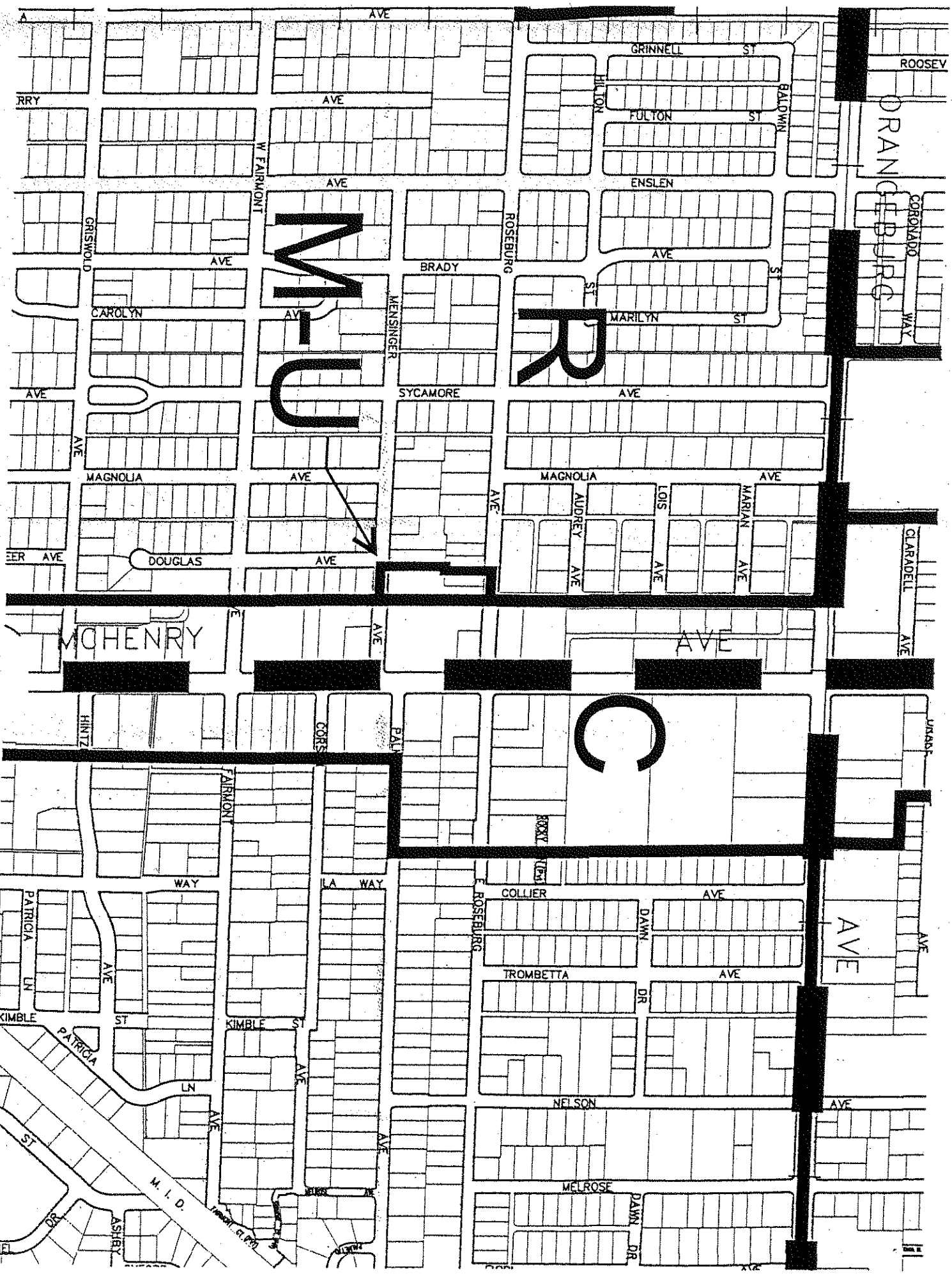
ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"


GRINNELL ST
FULTON ST
HILTON
BALDWIN
ENSLEN
W FAIRMONT
GRISWOLD
BRADY
ROSEBURG
CORONADO
WAY
CAROLYN
MENSINGER
MARILYN ST
SYCAMORE
MAGNOLIA
DOUGLAS
AUDREY
LOIS
MARIAN
CLARADELL
MCHENRY
HINTZ
FAIRMON
COLLIER
DAWN
TROMBETTA
DR
NELSON
MELROSE
PATRICIA
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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-155

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING THE MODESTO URBAN AREA GENERAL PLAN LAND USE DIAGRAM TO REDESIGNATE ONE ACRE FROM RESIDENTIAL TO MIXED USE PROPERTY LOCATED BETWEEN ROSEBURG AND MENSINGER AVENUES WEST OF MCHENRY AVENUE (MID-VALLEY ENGINEERING)

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Mid-Valley Engineering has proposed an amendment to the Modesto Urban Area General Plan Land Use Diagram to redesignate property located between Roseburg and Mensinger Avenues west of McHenry Avenue from Residential to Mixed Use, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the Master Environmental Impact Report (MEIR) and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study CDD 2002-01 reviewed the proposed amendment to the Modesto Urban Area General Plan Land Use Diagram to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 2, 2002, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/CDD 2002-01, entitled "City of Modesto Initial Study General Plan Amendment and Rezone from R-1 & R-3 to P-D," for the proposed project, and the Council hereby makes the following findings:

1. That the project will have no new additional significant effects on the environment which were not identified in the Master EIR, and no new or additional mitigation measures would be required.
2. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
3. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
4. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.
5. The initial study, Environmental Assessment No. EA/CDD 2002-01, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 2002-01, entitled "City of Modesto Initial Study General Plan Amendment and Rezone from R-1 & R-3 to P-D," is attached hereto as Exhibit "A", and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

INITIAL STUDY

EA/CDD NO. 2002-01

City of Modesto
Initial Study

General Plan Amendment and Rezone from R-1 & R-3 to P-D

EA/CDD 2002-01
January 18, 2002

I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with and withinthe scope of the Master EIR.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:
Public Hearing - Application of Mid-Valley Engineering for General Plan amendment and rezone from R-1 (Low-Density Residential Zone) and R-3 (Medium-High Density Residential Zone) to P-D (Planned Development Zone) to allow a 20,000 square-foot professional office development, property located between Roseburg and Mensinger Avenues west of McHenry Avenue.

B. Lead agency name and address:
City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact person, address and phone number:
Brad Wall
City of Modesto Community Development Department
1010 10th Street, Suite 3100
Modesto, CA 95353
(209) 577-5282

D. Project Location:
Between Roseburg and Mensinger Avenues west of McHenry Avenue.

E. Project Sponsor:
Mid-Valley Engineering

F. General Plan Designation:
Commercial (C) and Residential (R); amended to Commercial (C) and Mixed Use (MU)

G. Current Zoning:
Low-Density Residential (R-1) and Medium-High Density Residential (R-3)

H. Description of Proposed Projects:
This is an application to amend the General Plan land use diagram and rezone four parcels totaling approximately 1.8 acres from R-1 (Low-Density Residential Zone) and R-3 (Medium-High Density Residential Zone) to P-D (Planned Development Zone), to allow a 20,000 square-foot professional office development located between Roseburg and Mensinger Avenues west of McHenry Avenue. The applicant's site plan calls for two 10,000 square-foot, single-story office buildings and off-street parking with access to Roseburg Avenue within the interior of the site.

I. Surrounding land uses:
Single-family homes exist to the south of the subject property, across Mensinger Avenue; multi-family residential land uses border the west side. Commercial uses exist to the east, along McHenry Avenue and to the north, across Roseburg Avenue.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms to the analysis contained within the Master EIR.

A. Traffic and Circulation

The proposed General Plan amendment and planned development zone for professional office uses will contribute to increased traffic in the neighborhood. However, the proposed development is consistent with the Traffic and Circulation needs section of the MEIR. A traffic analysis report (attached to Commissioner's agendas) has been prepared for the proposed project by KD Anderson Transportation Engineers. This study concludes that the proposed change in land use associated with the General Plan amendment would not have a significant impact on traffic conditions in the area. The traffic report has been reviewed by staff within the City's Traffic Division, and its conclusions have been verified. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-38) are still valid.

B. Degradation of Air Quality

The proposed General Plan amendment and planned development zone for professional office uses is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are therefore still valid.

C. Generation of Noise

The proposed General Plan amendment and planned development zone for professional office uses is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of commercial and residential uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of the proposed professional office use, nor will the adjacent neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.

D. Loss of Productive Agricultural Land

The proposed General Plan amendment and planned development zone for professional office uses is located on property noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. Also, the requested planned development zone and resulting professional office development is subject to conditions of approval. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. Increased Demand for Water Supplies

The proposed General Plan amendment and planned development zone for professional office uses will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are therefore still valid.

D. Increased Demand for Sanitary Sewer Services

The proposed General Plan amendment and planned development zone for professional office uses will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The proposed General Plan amendment and planned development zone for professional office uses is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are therefore still valid.

H. Disturbance of Archaeological and Historic Sites

Figure 8-1 of the MEIR indicates that the proposed projects are not within the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. Therefore, the proposed project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR, and the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

I. Drainage, Flooding and Water Quality

The proposed General Plan amendment and planned development zone for professional office uses will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are therefore still valid.

J. Increased Demand for Storm Drainage

The proposed General Plan amendment and planned development zone for professional office uses is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure to provide for adequate storm drainage. The mitigation

measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are therefore still valid.

K. Increased Demand for Parks and Open Space

The proposed General Plan amendment and planned development zone for professional office uses will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are therefore still valid.

L. Increased Demand for Schools

The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, as applicable, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

M. Increased Demand for Police Services

The proposed General Plan amendment and planned development zone for professional office uses will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are therefore still valid.

N. Increased Demand for Fire Services

The proposed General Plan amendment and planned development zone for professional office uses will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 5 is located approximately one mile away, near the intersection of Briggsmore Avenue and McHenry Avenue. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are therefore still valid.

O. Generation of Solid Waste

The proposed General Plan amendment and planned development zone for professional office uses will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10), are therefore still valid.

P. Generation of Hazardous Materials

The proposed projects will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-15) are therefore still valid.

Q. Landslides and Seismic Activity

The proposed projects will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the

MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-17-11) are therefore still valid.

R. Energy

The proposed General Plan amendment and planned development zone for professional office uses will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV. CONCLUSIONS / DETERMINATIONS OF FINDINGS

A. The proposed General Plan amendment and planned development zone for a 20,000 square-foot professional office development is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Development Area.

B. No additional significant environmental effects will occur as a result of the proposed General Plan amendment and planned development zone that were not previously examined in the General Plan Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed General Plan amendment and planned development zone that were not previously considered in the General Plan Master EIR.

D. There are no specific features unique to this proposed General Plan amendment and planned development zone that require specific mitigation measures. All certified mitigation measures identified in the General Plan Master EIR will apply Citywide, including this project as appropriate.

E. This Initial Study provides substantial evidence to support findings A, B, C, and D above.

Signature:

Brad Wall,
Associate Planner

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-156

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(553). (MID-VALLEY ENGINEERING, INC.)

WHEREAS, a verified application for an amendment to Section 20-3-9 of the Zoning Map was filed by Mid-Valley Engineering on October 15, 2001, to reclassify from Low- Density Residential Zone, R-1, and Medium-High-Density Residential Zone, R-3, to Planned Development Zone, P-D(553), to allow a 20,000-square-foot professional office complex and associated off-street-parking, property located between Roseburg and Mensinger Avenues west of McHenry Avenue described as follows:

> ALL that certain real property situate in and being a portion of the Northeast Quarter of the Southeast Quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, being more particularly described as follows:
>
> BEGINNING at the Northeast corner of PARCEL "B" as shown on the map filed for record on July 29, 1997 in Book 48 of Parcel Maps at Page 36, Stanislaus County Records, with said point lying on the South right-of-way line of Roseburg Avenue; thence South 00°16'50" East along the East line of said PARCEL "B" and the Southerly extension thereof, a distance of 372.34 feet to a point on the North right-of way line of Mensinger Avenue; thence North 88°14'41" West along last said right-of-way line, a distance of 216.03 feet; thence leaving last said right-of-way line and proceeding North 00°17'27" West, a distance of 219.58 feet; thence South 88°13'38" East, a distance of 16.63 feet; thence North 00°17'23" West, a distance of 152.92 feet to a point on the above mentioned South right-of-way line of Roseburg Avenue; thence South 88°12'04" East along last said right-of-way line, a distance of 199.47 feet to the POINT OF BEGINNING;
>
> also including the north one-half of Mensinger Avenue and the south one-half of West Roseburg Avenue, all being immediately adjacent to the above described property.

WHEREAS, after a public hearing held on February 11, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2002-11, that rezoning of

the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed Planned Development Zone, by reason of its site design and conditions of approval is compatible with existing and potential surrounding development.

2. The requested Planned Development Zone for a professional-office development is located on a collector street, and will provide a good transitional use between commercial development on McHenry Avenue and the adjacent residential neighborhood.

WHEREAS, said matter was set for a public hearing of the City Council to be held on April 2, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Mid-Valley Engineering for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2002-11 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3252-C.S. on the 26th day of March 2002, reclassifying the above-described property from Low-Density Residential Zone, R-1, and Medium-High-Density Residential Zone, R-3, to Planned Development Zone, P-D(553).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(553), is hereby approved subject to the following conditions:

1. The applicant shall submit revised plot plans and elevations showing all changes required by the Planning Commission and City Council prior to issuance of a building permit. All development shall conform to these revised plans and elevations as amended in red, stamped approved by the City Council.

2. Fences or walls shall be constructed prior to occupancy and shall be as follows: Six-foot-high masonry wall along the west property line; six-foot high masonry wall between the building and side property boundaries along the south property line.

3. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Chief Building Official. Screen landscaping shall be installed along the east, west, and south property line(s). Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. Trash bins shall be kept in enclosures in accordance with the approved plan and in accordance with plans approved by the Operations and Maintenance Department Director. Enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Department Director.

6. Prior to the issuance of a building permit, the developer shall submit a plan to provide on-site treatment of storm water, as approved by the Operations and Maintenance Director. Storm drain improvements shall be constructed in accordance with the approved plans.

7. Existing overhead and underground electric facilities shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Engineering and Transportation Director.

8. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

9. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

10. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a Registered Civil Engineer and approved by the Engineering and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

11. Ten-foot public utility easements and four-foot planting easements located within the ten-foot public utility easements shall be dedicated along all street frontages as required by the Engineering and Transportation Director.

12. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.

13. All signs shall comply with the sign requirements of the P-O Zone.

14. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

15. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

16. No pedestrian nor vehicular access shall be allowed to/from Mensinger Avenue.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(553):

The entire construction program is to be accomplished in one phase, construction to begin April 2, 2004, and completion to be no later than April 2, 2005.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(553), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION

By Steve Mitchell for GO
Community Development Department
Planning Division

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-157

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 20-3-9 OF THE ZONING MAP TO REZONE FROM LOW-DENSITY RESIDENTIAL ZONE, R-1, AND MEDIUM-HIGH-DENSITY RESIDENTIAL ZONE, R-3 TO PLANNED DEVEL-OPMENT ZONE, P-D(553), PROPERTY LOCATED BETWEEN ROSEBURG AND MENSINGER AVENUES WEST OF MCHENRY AVENUE. (MID-VALLEY ENGINEERING)

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Mid-Valley Engineering has proposed that the zoning designation for the property located between Roseburg and Mensinger Avenues west of McHenry Avenue, be amended to rezone from Low-Density Residential Zone, R-1, and Medium-High-Density Residential Zone, R-3 to Planned Development Zone, P-D(553), in the City of Modesto ("the project"), to allow for a 20,000-square-foot professional office complex and associated off-street-parking, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the Master Environmental Impact Report (MEIR) and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study CDD 2002-01 reviewed the proposed amendment to the Zoning Map and rezone to P-D(553) project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 2, 2002, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(553) project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the project will have no new additional significant effects on the environment which were not identified in the Master EIR, and no new or additional mitigation measures would be required.
2. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
3. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
4. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.
5. The Initial Study, Environmental Assessment No. EA/CDD 2002-01, provides the substantial evidence to support the above findings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

INITIAL STUDY

EA/CDD NO. 2002-01

City of Modesto
Initial Study

General Plan Amendment and Rezone from R-1 & R-3 to P-D

EA/CDD 2002-01
January 18, 2002

I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with and withinthe scope of the Master EIR.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the Genieral Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:
Public Hearing - Application of Mid-Valley Engineering for General Plan amendment and rezone from R-1 (Low-Density Residential Zone) and R-3 (Medium-High Density Residential Zone) to P-D (Planned Development Zone) to allow a 20,000 square-foot professional office development, property located between Roseburg and Mensinger Avenues west of McHenry Avenue.

B. Lead agency name and address:
City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact person, address and phone number:
Brad Wall
City of Modesto Community Development Department
1010 10th Street, Suite 3100
Modesto, CA 95353
(209) 577-5282

D. Project Location:
Between Roseburg and Mensinger Avenues west of McHenry Avenue.

E. Project Sponsor:
Mid-Valley Engineering

F. General Plan Designation:
Commercial (C) and Residential (R); amended to Commercial (C) and Mixed Use (MU)

G. Current Zoning:
Low-Density Residential (R-1) and Medium-High Density Residential (R-3)

H. Description of Proposed Projects:
This is an application to amend the General Plan land use diagram and rezone four parcels totaling approximately 1.8 acres from R-1 (Low-Density Residential Zone) and R-3 (Medium-High Density Residential Zone) to P-D (Planned Development Zone), to allow a 20,000 square-foot professional office development located between Roseburg and Mensinger Avenues west of McHenry Avenue. The applicant's site plan calls for two 10,000 square-foot, single-story office buildings and off-street parking with access to Roseburg Avenue within the interior of the site.

I. Surrounding land uses:
Single-family homes exist to the south of the subject property, across Mensinger Avenue; multi-family residential land uses border the west side. Commercial uses exist to the east, along McHenry Avenue and to the north, across Roseburg Avenue.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms to the analysis contained within the Master EIR.

A. Traffic and Circulation

The proposed General Plan amendment and planned development zone for professional office uses will contribute to increased traffic in the neighborhood. However, the proposed development is consistent with the Traffic and Circulation needs section of the MEIR. A traffic analysis report (attached to Commissioner's agendas) has been prepared for the proposed project by KD Anderson Transportation Engineers. This study concludes that the proposed change in land use associated with the General Plan amendment would not have a significant impact on traffic conditions in the area. The traffic report has been reviewed by staff within the City's Traffic Division, and its conclusions have been verified. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-38) are still valid.

B. Degradation of Air Quality

The proposed General Plan amendment and planned development zone for professional office uses is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are therefore still valid.

C. Generation of Noise

The proposed General Plan amendment and planned development zone for professional office uses is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of commercial and residential uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of the proposed professional office use, nor will the adjacent neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.

D. Loss of Productive Agricultural Land

The proposed General Plan amendment and planned development zone for professional office uses is located on property noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. Also, the requested planned development zone and resulting professional office development is subject to conditions of approval. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. Increased Demand for Water Supplies

The proposed General Plan amendment and planned development zone for professional office uses will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are therefore still valid.

D. Increased Demand for Sanitary Sewer Services

The proposed General Plan amendment and planned development zone for professional office uses will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The proposed General Plan amendment and planned development zone for professional office uses is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are therefore still valid.

H. Disturbance of Archaeological and Historic Sites

Figure 8-1 of the MEIR indicates that the proposed projects are not within the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. Therefore, the proposed project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR, and the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

I. Drainage, Flooding and Water Quality

The proposed General Plan amendment and planned development zone for professional office uses will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are therefore still valid.

J. Increased Demand for Storm Drainage

The proposed General Plan amendment and planned development zone for professional office uses is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure to provide for adequate storm drainage. The mitigation

measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are therefore still valid.

K. Increased Demand for Parks and Open Space

The proposed General Plan amendment and planned development zone for professional office uses will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are therefore still valid.

L. Increased Demand for Schools

The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, as applicable, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

M. Increased Demand for Police Services

The proposed General Plan amendment and planned development zone for professional office uses will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are therefore still valid.

N. Increased Demand for Fire Services

The proposed General Plan amendment and planned development zone for professional office uses will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 5 is located approximately one mile away, near the intersection of Briggsmore Avenue and McHenry Avenue. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are therefore still valid.

O. Generation of Solid Waste

The proposed General Plan amendment and planned development zone for professional office uses will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10), are therefore still valid.

P. Generation of Hazardous Materials

The proposed projects will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-15) are therefore still valid.

Q. Landslides and Seismic Activity

The proposed projects will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the

MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-17-11) are therefore still valid.

R. Energy

The proposed General Plan amendment and planned development zone for professional office uses will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV. CONCLUSIONS / DETERMINATIONS OF FINDINGS

A. The proposed General Plan amendment and planned development zone for a 20,000 square-foot professional office development is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Development Area.

B. No additional significant environmental effects will occur as a result of the proposed General Plan amendment and planned development zone that were not previously examined in the General Plan Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed General Plan amendment and planned development zone that were not previously considered in the General Plan Master EIR.

D. There are no specific features unique to this proposed General Plan amendment and planned development zone that require specific mitigation measures. All certified mitigation measures identified in the General Plan Master EIR will apply Citywide, including this project as appropriate.

E. This Initial Study provides substantial evidence to support findings A, B, C, and D above.

Signature:

Brad Wall,
Associate Planner

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-158

Print

A RESOLUTION ADOPTING THE TENTH STREET PLAZA USAGE POLICY FOR 10TH STREET BETWEEN "J" AND "K" STREETS IN DOWNTOWN MODESTO.

WHEREAS, with the completion of Tenth Street Place and 1020 Tenth Street, there is an opportunity to use the outdoor plaza for public events and activities, and

WHEREAS, the Tenth Street Management Committee (Management Committee) has met on numerous occasions to develop the Tenth Street Plaza Usage Policy, and

WHEREAS, the proposed planning by the Management Committee for this outdoor venue includes the adjoining street section, recognizing that the City Council will ultimately need to decide on the use of that space, and

WHEREAS, the Tenth Street Plaza Usage Policy sets forth management and coordination of the plaza, use of the plaza for public events, scheduling the plaza, and for use of the plaza, and

WHEREAS the Ad Hoc Music Committee agrees with the Tenth Street Plaza Usage Policy proposed by the Management Committee, and

WHEREAS, the Human Services Committee met on March 4, 2002, and supported the recommended Tenth Street Usage Policy,

WHEREAS, Council determined to eliminate the fees in the recommended policy,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the adoption of the Tenth Street Plaza Usage Policy, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference.

RESCINDED
6-25-2002
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2002-317

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2002, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich
MICHAEL D. MILICH, City Attorney

Revision #4
Corrected to conform to
Council action on April 2, 2002

City of Modesto

TENTH STREET PLAZA USAGE POLICY

EFFECTIVE MAY 17, 2002

GENERAL INFORMATION

Any person or group requesting to use the Tenth Street Plaza to conduct public gathering events, excluding First Amendment activities which are exempt from this policy, must first have obtained all proper permits and licenses. The City of Modesto Parks, Recreation and Neighborhoods Department ("Governing Authority") will assist the Licensee in determining permits required. Licensee shall not conduct, within or upon the premises, any other operations except those described in the license unless prior written consent of the Governing Authority has been given. Licensee, its officers, agents, and employees shall comply with all rules and regulations, laws, and ordinances adopted or established, from time to time, by any governmental agent or department thereof.

1. *AREA LOCATION*

The Tenth Street Plaza shall be the space occupied by Tenth Street between J and K, as well as the patio area between the south side of the 1020 Tenth Street building and the glass front of Tenth Street Place. (See attached area map.)

2. *HOURS OF OPERATION*

Monday through Friday	9 a.m. to 11 p.m.
Saturday, Sunday, holidays	7 a.m. to 11 p.m.

Load-in times to be determined based upon considerations of employee and consumer ingress/egress into buildings.

Amplified music will be allowed:

Monday through Friday	8 p.m. to 11 p.m.
Saturday, Sunday, holidays	Until 11 p.m.

Start times of amplified music on weekdays prior to 8 p.m. will be for special pre-approved events only (e.g., Brownbag lunch series). The start times of amplified music on weekends would be dependent on the type of the event. Extensions beyond 11 p.m. would require special approval by Council (e.g., Exclamation Fest).

3. *EXPIRATION OF LICENSE*

Licensee shall remove from the facilities all property, goods, and effects belonging to Licensee or caused by him to be brought upon the premises. If property is not removed within the time limits stated in the license, City shall have the right to dispose of, sell, store, or cause to be stored any property, for which Licensee shall pay a penalty fee, plus all storage and moving expenses incurred therefor, prior to release of the property from storage.

At the expiration of the time of use of the facilities set forth, Licensee shall quit the facilities and return all Licensee's equipment and facilities procured, which premises, equipment, and facilities shall be in as good condition and repair as before Licensee's use thereof except for ordinary wear and tear.

4. *EXAMPLES OF TYPES OF EVENTS ALLOWED*

Street faire, street festival, farmers market, trade show (limited), displays, musical events (non-amplified), and amplified music events.

5. *AMPLIFIED MUSIC EVENTS*

There will be a sound amplification permit required. Sound amplifying equipment as used here means any machine or device used to amplify or project speech, music, or any other sound or tone. Sound amplifying equipment includes public address systems, megaphones, bullhorns, phonographs, televisions, radios, cassettes, eight-track or reel-to-reel tape players, compact disc or laser players, and musical instruments.

The sound generated shall be controlled so that its volume level, duration, or character does not annoy, disturb, injure, or endanger the comfort of reasonable persons of ordinary sensibility within the City.

6. *PERMITS*

a. Other permits may be required, such as: liquor, business license, amplified sound, street closure, encroachment. There are additional costs for these permits.

b. No event that is permitted by the First Amendment of the United States Constitution shall be charged a fee or be required to get a permit from the City.

c. Any agency of the City of Modesto or County of Stanislaus will be able to use the space free of charge. Additional fees may apply.

7. *INSURANCE*

Indemnity and liability insurance as required by the Risk Manager for the City of Modesto. In most cases the limits of policy will be $1,000,000.

City of Modesto, County of Stanislaus, JPA, Civic Partners of Modesto, Inc., Redevelopment Agency, and 1020 10th L.L.C. must be named as additional insured on the policy.

8. *SCHEDULING/COORDINATION*

The City of Modesto Parks, Recreation and Neighborhoods Department (Centre Plaza) shall be responsible for scheduling/coordinating the use of the Tenth Street Plaza.

9. *PAYMENT FOR DAMAGES*

Licensee agrees to pay costs of repair or replacement for any and all damages of whatever origin or nature to property of City of Modesto, County of Stanislaus, JPA, Redevelopment Agency, or any adjoining private property resulting from Lessee's exercise of its license, whether deliberate, accidental, or other causes not predicated on active negligence of City.

10. *EVENT INFORMATION*

Licensee shall provide to Events Supervisor, at least 10 days prior to the first day of scheduled event, a full and detailed outline of all event requirements.

11. *SECURITY*

Licensee shall engage and pay for adequate security personnel, to be appropriate for the intended facility use. Number of security personnel utilized to be determined by mutual agreement of Licensee and licensor and the City of Modesto Police Department.

Licensee shall be solely responsible for the orderly conduct of all persons using the premises by its invitation, either expressed or implied, during all times covered by this license. Governing Authority reserves the right to eject or cause to be ejected from the premises any person or persons objectionable due to unlawful conduct.

All private security must be bonded and licensed by the State of California.

12. *BOOKING*

* All scheduling and booking shall be done through the Centre Plaza.

* Dates at Tenth Street Plaza may be booked a maximum of 13 months prior to the requested date.

* Thirty (30) days in advance of the event, regularly scheduled events can be booked. Up to 4 dates can be booked for the month that begins the allowable period (e.g., someone calling on July 1 could book 4 events from August 1-31 of that same year). Two weeks prior to a requested event date, two additional dates can be booked by the same user, for a total of 6 in the month.

* At their sole discretion the Centre Plaza management will establish appropriate spacing for similar public events.

* The Centre Plaza management will hold tentative dates for Tenth Street Plaza that are less than 13 months out for a maximum of six weeks. If the prospective permittee does not call the Governing Authority and request a permit for the tentative hold within that six-week period, the hold will automatically be dropped at the end of the six-week period.

* Requests for the same event space on the same date are handled as follows:

  The prospective permittee that has the date as a tentative will be notified. They will be required to make their deposit payment within three working days. If they fail to do so, their date will be released to the second party. The second party will then be required to make the deposit payment within three working days.

13. *EXAMPLES OF EQUIPMENT THAT WILL HAVE TO BE PROVIDED BY THE LICENSEE*

Sound
Staging
Tables/chairs
Garbage cans
Portable restrooms

14. *CAPACITY*

Licensee shall not allow nor permit to allow more people into the Tenth Street Plaza than the determined capacity for the safe, free movement of people therein. Capacity will be determined in consultation with the Modesto City Fire Department and Police Department.

Dedicated paths of travel to businesses may be required.

15. *STORAGE*

There is not on-site storage at the Tenth Street Plaza. Licensee must make all arrangements for having equipment delivered to and removed from the site within the agreed upon timeframe of the facility rental.

16. *BUSINESS LICENSE*

Private individuals and private companies utilizing the Tenth Street Plaza as a place to conduct business may be required to have a City of Modesto business license. One-day licenses can be obtained from the City of Modesto Finance Department at (209) 577-5389.

LICENSEE HAS READ AND UNDERSTANDS THE VENUE POLICIES AS SET FORTH ABOVE. LICENSEE AGREES TO OBSERVE AND ABIDE BY THE RULES AND REGULATIONS GOVERNING THE USAGE OF TENTH STREET PLAZA FOR PURPOSES AS STATED PER LICENSE.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-159

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Chief Information Officer

As a result of a new position approved in the FY 01-02 budget, the Chief Information Officer position is being created to manage the Information and Technology Department.

The specification for the classification of Chief Information Officer, Range 1422 as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after April 9, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2002, by Councilmember Frohman,

who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CITY OF MODESTO
No. 1735

APRIL, 2002

CHIEF INFORMATION OFFICER

Class specifications are intended to present a descriptive list of the range of duties performed by employees in this class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To plan, direct, and review the activities and operations of the Information & Technology Department including Information Services, System Development & Support Services, Network Services and Geographic Information Systems; to provide leadership and management to ensure effective utilization of automated systems in support of improving and maximizing services and operations throughout the City; to coordinate department activities with other City departments and outside agencies; to direct implementation of the City's Technology Action Plan; to utilize e-commerce and e-government strategies to improve service delivery to internal and external customers; and to carry out the Information & Technology Department objectives and action items identified in the City's *Strategic Plan*.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the City Manager.

Exercises direct supervision over professional, technical and support staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Develop and direct the implementation of goals, objectives, policies, procedures and work standards for the department.

Direct, oversee and participate in execution of the department's Strategic Plan action items, including assigning work activities, projects and programs, monitoring work flow; reviewing and evaluating work products, methods and procedures, and reporting progress on plan implementation to the City Manager.

Develop policy and propose long-range strategies for leveraging information technology within the City, including addressing systems integration needs and refining the Technology Action Plan.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (continued)

Essential Functions:

Work with consultants, advisory teams, technology providers, and other sources of relevant information and expertise in order to recommend policy direction to the City Manager and Council for technology enhancements.

Utilize Customer Relations Management (CRM) and other strategies to improve internal and external customer relations, ensuring effective customer service support, timely assistance, swift resolution of problems and expeditious review of user complaints.

Provide users with cost effective long-range solutions to complex systems and technical problems.

Oversee the completion of comprehensive information technology studies; review reports of findings and make recommendations, as appropriate.

Work with citizen groups, commissions, and committees to support the understanding, development and use of information technology within the City.

Select, train, motivate and evaluate personnel; provide or coordinate staff training; coach and work with employees to correct deficiencies; implement discipline and termination procedures as necessary.

Conduct research, analysis, and special studies on complex and sensitive administrative and policy issues, and prepare reports with recommendations for appropriate action.

Provide professional analysis and advice to the City Council, City Manager, City departments and committees related to areas of responsibility.

QUALIFICATIONS:

Knowledge of:

Best practices, strategies, methodologies, and policies used in information technology applicable to business and municipal operations.

Administrative principles and method, including organizational planning techniques, staffing, goal setting, performance measurement, program and budget development.

QUALIFICATIONS (continued)

Knowledge of:

Principles and practices of effective employee supervision, including selection, training, performance evaluation, coaching and discipline.

Best practices and current state-of-the-art information systems technology.

Ability to:

Oversee and direct the activities of the Department.

Effectively represent the Department before the Council, Council Committees, boards, commissions, public agencies and private groups.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with the Senior Executive Team, Mayor and Council, community leaders and others contacted in the course of work.

Utilize technology to improve service delivery.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Six years of professional management experience in information technology, including information systems design and implementation in a centralized information technology environment. Experience must include the oversight of professional staff.

Training:

Equivalent to graduation from an accredited college or university with major course work in computer science, business administration, mathematics, engineering or a related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical conditions necessary for sitting for prolonged periods of time; and operating a personnel computer and other office equipment.

Print

MODESTO CITY COUNCIL
RESOLUTION NO 2002-160

A RESOLUTION AMENDING EXHIBIT "I" OF RESOLUTION NO. 2001-270 TO REVISE THE CLASS RANGE TABLE FOR EXECUTIVE MANAGEMENT TO ESTABLISH THE SALARY RANGE FOR THE CLASSIFICATION OF CHIEF INFORMATION OFFICER EFFECTIVE APRIL 9, 2002.

WHEREAS, the City Council desires to amend Exhibit "I" of Resolution No. 2001-270,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 2001-270. Exhibit "I" entitled "City of Modesto Class Range Table Executive Management Effective June 19, 2001", is hereby amended as shown on the amended Exhibit "I" entitled "City of Modesto Class Range Table Executive Management Classes Effective April 9, 2002", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "I" establishes the salary range for Chief Information Officer at (Range 1422).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after April 9th, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll carried and the resolution adopted by the following vote:

AYES: Councilmembers:Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers:None

ABSENT: Councilmembers:Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "I"

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective **April 9, 2002**

RANGE	TITLE
1410	City Clerk/Auditor
1411 – 1417	
1418	
1419	
1420	Finance Director Operations and Maintenance Director Personnel Director Recreation and Neighborhoods Director
1421	
1422	**Chief Information Officer** Community Development Director
1423	Engineering and Transportation Director
1424	
1425	Fire Chief Police Chief
1426	
1427	Deputy City Manager
1428	City Attorney
1429 – 1432	
1433	City Manager

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-160A

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT BIDS FOR THE INTERNAL COATING OF DIGESTER # 2 AT THE PRIMARY WASTEWATER TREATMENT PLANT

WHEREAS, the Operations and Maintenance Department is responsible for maintaining equipment for processing sludge at the Primary Wastewater Treatment plant, and

WHEREAS, the Operations and Maintenance Department has determined that the protective Internal Coating of Digester # 2 needs to be replaced, and

WHEREAS, digesters are used in the primary or solids removal process of wastewater treatment, and

WHEREAS, a digester is essentially a domed tank, made of steel, which stores 2 million gallons of wastewater sludge within a heated environment, and

WHEREAS, said sludge contains sand and grit which wears upon the inside protective coating of said tank as it is re-circulated through the tank and associated treatment equipment, and

WHEREAS, a protective urethane coating lasts on the average of eight to ten years before replacement, and

WHEREAS, the last Internal Coating of Digester # 2 was performed in 1984, and

WHEREAS, the anticipated cost of the Internal Coating of Digester # 2 will be approximately $200,000.00, and

WHEREAS, by soliciting competitive bids for the Internal Coating of Digester # 2 , the Finance Department-Purchasing Division will achieve the best value for said coating and will comply with the Modesto Municipal Code, Section 8-3.204, regarding formal bid procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the formal solicitation of bids for the Internal Coating of Digester # 2 is hereby authorized as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the Internal Coating of Digester # 2 to be opened in the office of the City Clerk, 1010 10TH Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-161

A RESOLUTION ACCEPTING THE BID OF SOARES PIPELINE, INC. FOR THE PROJECT TITLED "2002 SANITARY SEWER REPLACEMENTS"

WHEREAS, the bids received for 2002 Sanitary Sewer Replacements were opened at 11:00 a.m. on March 19, 2002, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $698,217 received from Soares Pipeline, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Soares Pipeline, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-162

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $823,896 TO FULLY FUND THE 2002 SANITARY SEWER REPLACEMENT PROJECT

WHEREAS, many sanitary sewer pipelines have been cracked, displaced, and infiltrated by tree roots, and

WHEREAS, the list of pipelines requiring major maintenance for the 2002 Sanitary Sewer Replacement project exceeded the budgeted amount, and

WHEREAS, to repair and replace the additional pipelines requires a transfer of funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM:	6210-480-5224-0235;	$415,143
	6210-480-5225-0235;	$334,163
	6210-480-M251;	$74,590
		$823,896
TO:	6210-480-N028-6040;	$698,217
	6210-480-N028-6050;	$69,822
	6210-480-N028-6060;	$55,857
		$823,896

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-163

A RESOLUTION ACCEPTING $150,000 IN GRANT FUNDING FROM THE FEDERAL ECONOMIC DEVELOPMENT INITIATIVE GRANT FUND FOR CURB, GUTTER AND SIDEWALK IMPROVEMENTS IN THE CONANT/RUMBLE NEIGHBORHOOD, AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED DOCUMENTS

WHEREAS, Congress has approved funding from the Economic Development Initiative (EDI) account for the City of Modesto, pursuant to the VA-HUD-Independent Agencies Appropriations Action of 2002, and

WHEREAS, specifically, the congressional conference report on this matter specifies that the City of Modesto may receive $150,000 for infrastructure needs in distressed neighborhoods, and

WHEREAS, staff developed priorities to use when considering areas for funding, which include the ability to leverage other funds for the improvements, future plans to devote Community Development Block Grant and other resources to a geographical area and those areas where an urgent need exists, especially where there are safety issues, and

WHEREAS, staff identified the Conant/Rumble area around Chrysler has best met the priorities, and

WHEREAS, the Citizens Housing and Community Development Committee met on February 22, 2002, and supported staff's recommendation to use the Economic Development Initiative Grant funds for curb, gutter and sidewalk improvements in the Conant/Rumble area,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts $150,000 in funding under the Federal Economic Development Initiative Grant Fund for curb, gutter and sidewalk improvements in the Conant/Rumble area.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager or designee to execute the necessary grant documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-164

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 CAPITAL IMPROVEMENT PLAN BUDGET TO ESTIMATE $150,000 IN REVENUE FROM THE FEDERAL ECONOMIC DEVELOPMENT INITIATIVE AND TO APPROPRIATE $150,000 TO A NEW PROJECT IN THE CAPITAL GRANTS FUND 2300, EDI CURB, GUTTERS AND SIDEWALKS

WHEREAS, the City was awarded a grant of $150,000 from the Federal Economic Development Initiative grant find for infrastructure needs in distressed neighborhoods, and

WHEREAS, staff developed priorities to use when considering areas for funding, and identified the Conant/Rumble area around Chrysler has best meeting the priorities, and

WHEREAS, a new project needs to be established in the Capital Improvement Plan Grants Fund 2300, titled "EDI Curb, Gutters and Sidewalks", and

WHEREAS, the Citizens Housing and Community Development Committee met on February 22, 2002, and supported staff's recommendation to use the Economic Development Initiative Grant funds for curb, gutter and sidewalk improvements in the Conant/Rumble area,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the Fiscal Year 2001-02 Capital Improvement Plan budget to estimate $150,000 in revenue from the Federal Economic Development Initiative and to appropriate $150,000 to a new project in the Capital Grants Fund 2300, "EDI Curb, Gutters and Sidewalks".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-165

A RESOLUTION APPROVING ALLOCATION OF $377,250 IN FISCAL YEAR 2002-2003 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING AND $88,000 IN FISCAL YEAR 2002-2003 EMERGENCY SHELTER GRANT FUNDING

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (H.U.D.), and

WHEREAS, the City receives a Community Development Block Grant (CDBG) and an Emergency Shelter Grant (ESG), and

WHEREAS, the City receives these grants annually because of its population size, number of households living below the poverty level, and the number of housing units that are considered substandard, and

WHEREAS, a maximum of fifteen percent of the City's available CDBG entitlement grant may be allocated for the purposes of providing assistance that is consistent with the functions of CDBG funding to very-low, low and moderate income persons and families residing within the city limits of Modesto, and

WHEREAS, in Fiscal Year 2002-2003, fifteen percent of the City's available CDBG entitlement is $377,250, which is the amount recommended for allocation, and

WHEREAS, in 2000, the City Council recommended that the Modesto Police Department be allocated public service funding for the Crime Free Multi-Housing Project be funded through CDBG Public Service funds for three years at $150,000 per year, and

WHEREAS, staff has reduced the amount of CDBG funding available to non-profits by $150,000 in order to fund the third year of the Crime Free Multi-Housing Program, and

WHEREAS, the City allocates one hundred percent of its annual ESG to local non-profit organizations for the purposes of providing assistance that is consistent with the functions of ESG funding to very-low, low and moderate income persons and families residing within the city limits of Modesto, and

WHEREAS, in Fiscal Year 2002-2003, the City's ESG grant is $88,000, which is the amount recommended for allocation, and

WHEREAS, local non-profit organizations were invited to submit Requests for Proposals (RFPs) for the balance of available CDBG Public Service funds in the amount of $227,250 and for $88,000 in ESG funds, and

WHEREAS, at a public meeting on March 28, 2002, the Citizens Housing and Community Development Committee recommended funding as set forth in Exhibits "A" and "B" attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the allocation of $227,250 in Fiscal Year 2002-2003 Community Development Block Grant funding and $88,000 in Emergency Shelter Grant funding as set forth in Exhibits "A" and "B" attached hereto and incorporated by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Council hereby approves the allocation of $150,000 to the Modesto Police Department for the Crime Free Multi-Housing Program.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to execute any documents with respect to implementation of the allocation of Fiscal Year 2002-2003 CDBG/ESG Public Service Grant funding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

					Exhibit A
CDBG Applications					
FY 2002-2003					
Agency	**Program Name**	Attended	**Funding**	**Recommended Funding**	
		Workshop	**Request**	**Amounts**	($227,250 available)
			CDBG		
Airport Neighbors United	Community Education Program	No	50,000		0
Center for Human Services	Pathways to Employment	Yes	66,763		0
Center for Human Services	Hutton House	Yes	23,280		23,280
Central Valley Opportunity Center	Community Service Access Assistance	Yes	24,000		0
Children's Crisis Center	Cricket's House Respite Care	Yes	18,000		18,000
Children's Crisis Center	Sawyer House Fence	Yes	7,645		7,645
Community Housing and Shelter Services	Transitional/Home Base Program	Yes	45,000		43,825
CSU Stanislaus/The Bridge	Bridging Neighbors with Videos	Yes	44,819		0
Disability Resource Agency	Assistive Technology Program	No	20,000		20,000
Haven Women's Center	Case Management Development	Yes	39,804		0
Project Sentinel	Fair Housing Services	No	52,500		17,500
The Salvation Army	Subsidized Childcare Program	Yes	20,000		20,000
The Salvation Army	Senior Meals Program	Yes	20,000		20,000
Second Harvest Food Bank	Food Assistance Program	Yes	37,000		37,000
Stanislaus Literacy Center	West Modesto Community Literacy	Yes	20,000		20,000
United Way of Stanislaus County	Information & Referral Program	Yes	8,445		0
Victory Life Center	Tender Hearts Childcare Center	Yes	47,205		0
Total Requests/Recommendations			544,461		227,250

					Exhibit B
ESG Applications					
FY 2002-2003					
Agency	**Program Name**	Attended	**Requested Funding**	**Recommended Funding**	
		Workshop	**Amounts**	**Amounts**	
				($88,000 available)	
Haven Women's Center	Shelter Technology Augmentation	Yes	3,200		0
Haven Women's Center	Shelter Laundry Room Renovation	Yes	3,036		3,036
Children's Crisis Center	Cricket's House Homeless Shelter	Yes	11,000		11,000
Community Housing and Shelter Services	Transitional/Home Base Program	Yes	45,000		0
Community Housing and Shelter Services	Emergency Shelter/Supportive Services	Yes	32,000		32,000
Center for Human Services	Hutton House Youth and Family Services	Yes	47,287		16,200
Center for Human Services	Pathways to Employment	Yes	66,763 CDBG		25,764
Total Requests/Recommendations			141,523		88,000

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-166

A RESOLUTION APPROVING A MEMORADUM OF UNDERSTANDING (MOU) BETWEEN STANISLAUS COUNTY AND THE CITY OF MODESTO TO TRANSFER ADMINISTRATIVE RESPONSIBILITY FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' "METROPOLITAN MEDICAL RESPONSE SYSTEM" PROGRAM TO THE STANISLAUS COUNTY PUBLIC HEALTH DEPARTMENT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE MOU.

WHEREAS, the U.S. Department of Health and Human Services has offered the City of Modesto a Request for Proposal (RFP) to participate in the Metropolitan Medical Response System (MMRS) Program, and

WHEREAS, the Metropolitan Medical Response System requires the program administrator to development eleven "deliverables" specific to management of health consequences of the release of a biological weapon of mass destruction, and

WHEREAS, the Metropolitan Medical Response System program administrator is also required to develop "Pharmaceutical and Equipment" Plans to provide care for at least 1,000 victims, for a chemical incident, and for the affected population for the first 24 hours of response to a biological incident, and

WHEREAS, the City of Modesto Emergency Operations Plan designates the Stanislaus County Public Health Official with responsibilities for public health issues within the City of Modesto, and

WHEREAS, the Stanislaus Public Health Officer has requested to be named as the Metropolitan Medical Response System (MMRS) Program administrator, and

WHEREAS, the citizens of the City of Modesto and Stanislaus County will benefit from the Metropolitan Medical Response System (MMRS) should a chemical release or biological incident occur, and

WHEREAS, they City is desirous of entering into an M.O.U. with the Stanislaus County Health Services' Agency to transfer administrative responsibility for the Department of Health and Human Services' "Metropolitan Medical Response System" to the Stanislaus County Public Health Department, and

WHEREAS, the Public Safety Committee met on December 6, 2001, and supported Stanislaus County Public Health Services' request to become the administrator of the Metropolitan Medical Response System" to become the administrator of the Metropolitan Medical Response System Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Stanislaus County Department of Health and Human Services is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the Memorandum of Understanding.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby directed to transmit a letter to the Department of Health and Human Services' Metropolitan Medical Response System (MMRS) Program Contracting Officer transferring administrative responsibilities to the Stanislaus Public Health Officer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2002, by Council member Frohman, who moved the adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-167

A RESOLUTION APPROVING AN APPLICATION TO OPERATE TAXICABS AND GRANT THE REQUEST OF MR. RASUL GHULUM, ET AL., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE FIVE (5) TAXICABS IN THE CITY OF MODESTO DOING BUSINESS AS "EXPRESS CAB COMPANY"

WHEREAS, Mr. Ghulum, et al., proposing to do business as "Express Cab Company", filed an application, dated August 21, 2001, for Certificates of Public Convenience and Necessity to operate five (5) taxicabs in the City of Modesto, and

WHEREAS, Section 4-6.205 of the Modesto Municipal Code requires City staff to investigate such applications and to report said investigations in writing to the City Council including specific areas of investigation, findings, and comments for Council consideration, and

WHEREAS, after an investigation by City staff and by report dated January 22, 2002, the Engineering and Transportation Department staff recommended to the Council approval of five (5) taxis doing business as "Express Cab Company," and

WHEREAS, on January 17, 2002, the Transportation Policy Committee reviewed the application of Express Cab Company and

WHEREAS, a public hearing was set for February 12, 2002, at 5:15 p.m. in the Tenth Street Place Chambers, located at 1010 10th Street, Modesto, California, for the purpose of considering said application and investigations and reports, and

WHEREAS, said duly noticed public hearing was held, at which time evidence both oral and documentary was received and considered by the Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that based on the investigation and report of City staff, the Council hereby finds and declares as follows:

1. To enhance the quality of local taxicab service the Council declares that the public convenience and necessity requires the operation of additional proposed taxicab service.

2. The name, "Express Cab Company" is acceptable. The color scheme of the proposed taxi operation will be vehicles with a green body and yellow hood and trunk.

3. That Mr. Ghulum, et al., be granted Certificates of Public Convenience and Necessity to operate five (5) taxicabs in the City of Modesto doing business as "Express Cab Company" in the City of Modesto.

4. That the Engineering and Transportation Department Director shall not issue any of the certificates authorized hereby until Mr. Ghulum, et al., shall have complied with all of the requirements of Chapter 6 of Title 4 of the Modesto Municipal Code before the commencement of operation of the proposed service.

The following resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO FORM:
By Michael Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-168

A RESOLUTION APPROVING ALLOCATION OF HOME FUNDS TO THE HOUSING AUTHORITY OF STANISLAUS COUNTY AND STANCO FOR AFFORDABLE HOUSING PROJECTS AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED DOCUMENTS

WHEREAS, on November 20, 2001, a Request for Proposals was advertised and distributed to past applicants and interested parties, and

WHEREAS, the City has received three proposals for financial assistance in connection with affordable housing proposals, and

WHEREAS, a review committee comprised of staff and members of the Citizens Housing and Community Development Committee have recommended funding for two of the applicants, the Housing Authority of Stanislaus County for the Miller Pointe Project and STANCO for the 3333 Carver Road project, and

WHEREAS, there is a total of $610,000 in HOME funds available for allocating, $175,000 of which is set aside for Community Housing Development Organizations (CHDO's), and

WHEREAS, an additional $602,149 is available from carryover to re-allocate and to fund the total amount requested in the proposals recommended for funding, which will be estimated and appropriated by separate Council action, and

WHEREAS, said HOME program funds must be committed, and binding agreements executed thereon between the City and developers by June 30, 2002, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) met on February 22, 2002 and recommended that the City Council allocate HOME funds as recommended by City staff, and

WHEREAS, a copy of the staff recommendations, is attached hereto as Exhibit "A", and incorporated herein by reference, and

WHEREAS, approval of these recommended allocations furthers the City's goal to provide affordable housing to its citizens and is consistent with the authorized use of HOME funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an allocation of $1,082,000 in HOME funds for affordable housing projects to include $250,000 in HOME funds for Miller Pointe and $657,000 in HOME and $175,000 in CHDO funds for 3333 Carver Road, is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to negotiate any and all documents that may be required in relation to the approval of the allocation of said HOME funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating, O'Bryant
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, Mayor Sabatino

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-169

A RESOLUTION AMENDING THE FISCAL YEAR 01-02 OPERATING BUDGET TO ESTIMATE $612,149 IN AVAILABLE HOME CARRYOVER REVENUE (1170-320-3258-3517R) AND TO APPROPRIATE $602,149 TO 1170-320-3258-0497, DIRECT LOANS, AND TO APPROPRIATE $10,000 TO 1170-320-3258-0491, TEMPORARY RELOCATIONS.

WHEREAS, the Fiscal Year 01-02 Operating Budget has an estimated $612,149 in available HOME carryover revenue, and

WHEREAS, staff is recommending that $602,149 of the available carryover be appropriated to 1170-320-3258-0497, Direct Loans, and $10,000 be appropriated to 1170-320-3258-491, Temporary Relocations, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) met on February 22, 2002 and supported staff's recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the Fiscal Year 01-02 operating budget to estimate $612,149 in available HOME carryover revenue (1170-320-3258-3517R) and to appropriate $602,149 to 1170-320-3258-0497, Direct Loans, and to appropriate $10,000 to 1170-320-3258-0491, Temporary Relocations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating, O'Bryant
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, Mayor Sabatino

Attest: Rebecca Bartholomew
for JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-170

A RESOLUTION AUTHORIZING STAFF TO SOLICIT REQUESTS FOR PROPOSALS FOR A FIVE-YEAR STRATEGIC PLAN AND RATE STUDY FOR THE MODESTO CENTRE PLAZA, IN AN AMOUNT NOT TO EXCEED $20,000

WHEREAS, staff desires to develop a Request for Proposals for preparation of a Five-Year Strategic Plan and Rate Study for the Modesto Centre Plaza, and

WHEREAS, the current plan will expire next fiscal year, and a new plan is needed, and

WHEREAS, funds in the amount of $35,000 are available in the Fiscal Year Capital Improvement Plan budget, 671-340-K115,Centre Plaza Business Plan, which, by separate action will be transferred into the Centre Plaza operating budget to fund the Five-Year Strategic Plan and Rate Study, and

WHEREAS, the Human Services Committee met on March 4, 2002, and supported staff's recommendation to solicit Requests for Proposals for preparation of a Five-Year Strategic Plan and Rate Study for the Modesto Centre Plaza,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to solicit Requests for Proposals in an amount not to exceed $20,000 for preparation of a Five-Year Strategic Plan and Rate Study for the Modesto Centre Plaza. Staff is directed to submit the responsive proposals to the Human Services Committee for its review before submitting a contract for Council approval.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman
NOES:	Councilmembers:	Keating, O'Bryant
ABSENT:	Councilmembers:	Mayor Sabatino

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-171

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 OPERATING AND CAPITAL IMPROVEMENT BUDGETS TO CLOSE OUT CAPITAL IMPROVEMENT PLAN PROJECT 671-340-K115, CENTRE PLAZA BUSINESS PLAN, TO TRANSFER $20,000 FROM SAID CIP TO 6700-340-3412-0235, PROFESSIONAL SERVICES, TO TRANSFER $30,000 FROM SAID CIP PROJECT TO 6700-800-8000-8003, MODESTO CENTRE PLAZA RESERVE, AND TO TRANSFER $50,000 FROM SAID CIP PROJECT TO 0100-800-8000-8003, GENERAL FUND RESERVE.

WHEREAS, staff desires to develop a Request for Proposals for preparation of a Five-Year Strategic Plan and Rate Study for the Modesto Centre Plaza, and

WHEREAS, $100,000 is available in Capital Improvement Project 671-340-K115, Centre Plaza Business Plan, for the purposes of an expansion study, and

WHEREAS, the original funding sources were $50,000 from the Centre Plaza Reserve and $50,000 from the General Fund Reserve, and

WHEREAS, staff is recommending that said CIP project be closed out, and the expansion study be delayed, and

WHEREAS, $20,000 is needed to fund the Five-Year Strategic Plan and Rate Study for the Modesto Centre Plaza, and

WHEREAS, staff is recommending that the CIP project funding of $50,000 from the General Fund be returned to the General Fund Reserve, and

WHEREAS, staff is recommending that the balance of the CIP project funding of $20,000 be returned to the Centre Plaza Reserve, and

WHEREAS, the Human Services Committee met on March 4, 2002, and supported staff's recommendation to conduct Five-Year Strategic Plan and Rate Study for the Modesto Centre Plaza, and to amend the budget to fund said Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Capital Improvement Program is hereby amended to close out Capital Improvement Plan project 671-340-K115, Centre Plaza Business Plan, to transfer $20,000 from said CIP project to 6700-340-3412-0235, Professional Services, to transfer $30,000 from said CIP project to 6700-800-8000-8003, Modesto Centre Plaza Reserve, and to transfer $50,000 from said CIP project to 0100-800-8000-8003, General Fund Reserve.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman
NOES:	Councilmembers:	Keating, O'Bryant
ABSENT:	Councilmembers:	Mayor Sabatino

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Mike Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-172

A RESOLUTION AUTHORIZING STAFF TO SOLICIT REQUESTS FOR QUALIFICATIONS FOR DEVELOPMENT OF MULTI-FAMILY HOUSING FOR WORKING CITIZENS IN VILLAGE ONE

WHEREAS, staff has developed a Request for Qualifications for the development of multi-family housing for working citizens in Village One, and

WHEREAS, funds in the amount of $245,000 are available in the Fiscal Year operating budget, 1170-320-3258-0497, Direct Loans, and

WHEREAS, the Citizens Housing and Community Development Committee met on January 18, 2002, and supported staff's recommendation to solicit Requests for Qualifications for development of multi-family housing for working citizens in Village One,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to solicit Requests for Qualifications for development of multi-family housing for working citizens in Village One.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-173

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT BIDS FOR THE ADA CURB CUTS PROGRAM FOR 2001-02

WHEREAS, the City of Modesto has deemed it desirable to complete the Americans with Disabilities Act (ADA) Curb Cuts Program for 2001-02, and

WHEREAS, the estimated cost for the curb cuts program is $290,000, and

WHEREAS, the Parks, Recreation and Neighborhoods Department and the Engineering and Transportation Department have assisted in writing the bid specifications and fully support solicitation of bids, and

WHEREAS, the Purchasing Supervisor will formally solicit bids for the ADA Curb Cuts Program, and

WHEREAS, the Citizens Housing and Community Development Committee met on January 18, 2002, and supported soliciting bids for the ADA Curb Cuts Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the solicitation of bids for the ADA Curb Cuts Program for 2001-02 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-174

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 OPERATING AND CAPITAL IMPROVEMENT BUDGETS TO TRANSFER $80,000 IN FUNDING FROM 1130-320-3254-0496, DIRECT LOANS, $50,000 FROM 1130-320-3262-5900 AND $50,000 FROM PROJECT 1130-310-M164, CDBG LOW INCOME IMPROVEMENTS TO 2300-310-N444, CBDG LOW INCOME IMPROVEMENTS TO FULLY FUND THE ADA CURB CUTS PROGRAM FOR 2001-02

WHEREAS, staff desires to solicit bids for the Americans with Disabilities Act (ADA) Curb Cuts Program in the amount of $290,000, and

WHEREAS, $110,000 is currently available in Capital Improvement Plan project 2300-310-N444, CDBG Low Income Improvements, and

WHEREAS, $50,000 is currently available in 1130-320-3262-5900, CDBG CIP, Non-Capital Other, and

WHEREAS, $50,000 is currently available in Capital Improvement Plan project 1130-310-M164, and

WHEREAS, $80,000 is currently available in operating account, 1130-320-3254-0497, CDBG Public Service Direct Loans, and

WHEREAS, the Citizens Housing and Community Development Committee met on January 18, 2002, and supported an additional $80,000 to add or renovate curb cuts,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the Fiscal Year 2001-02 operating and Capital Improvement budgets to transfer $80,000 in funding from 1130-320-3254-0496, Direct Loans, $50,000 from 1130-320-3262-5900, CDBG CIP, Non-Capital Other, and $50,000 from project 1130-310-M164, CDBG Low Income Improvements to 2300-310-N444, CDBG Low Income Improvements to fully fund the ADA Curb Cuts Program for 2001-02.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-175

A RESOLUTION ACCEPTING THE PURCHASE AGREEMENT IN THE AMOUNT OF $5,000 FROM DAVID BARNES FOR THE SALE OF THE PROPERTY LOCATED AT LEON AVENUE AND PARADISE AVENUE (APN: 102-0239) WITHIN THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL REQUIRED DOCUMENTS TO COMPLETE SAID SALE ON BEHALF OF THE CITY OF MODESTO

WHEREAS, the City Council has determined that the parcel of land owned by the City of Modesto and located at Leon Avenue and Paradise Avenue within the City of Modesto (Assessors Parcel Number 102-0239) is excess to City's needs, and

WHEREAS, said parcel is a remnant of a larger subdivision lot which is more particularly described in a Right of Way Acquisition drawing ("Exhibit A") which is attached hereto and made a part hereof by this reference, and

WHEREAS, in March 2001, the Council directed staff to offer this parcel for sale and in accordance with Government Code §54222, staff offered the property to specified public agencies who expressed no interest in acquiring said parcel, and

WHEREAS, the City contracted with PMZ Real Estate to offer the property on the open market which action has resulted in an offer in the amount of Five Thousand Dollars and No Cents ($5,000.00) from David Barnes. Said Purchase Agreement ("Exhibit B") is attached hereto and made a part hereof by this reference, and

WHEREAS, City has determined that said offer is reasonable.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that said Purchase Agreement and offer from David Barnes is hereby accepted for the sale of Assessors Parcel Number 102-0239.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute the grant deed and any property-related documents in order to sell said property on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-176

A RESOLUTION INCREASING THE ENGINEERING AND TRANSPORTATION DIRECTOR'S AUTHORITY LEVEL TO ISSUE CHANGE ORDERS FROM 10% TO 33% OF THE ORIGINAL CONTRACT PRICE WITH GOLDEN STATE UTILITY COMPANY ON THE "EXPAND ATMS NORTHEAST" PROJECT

WHEREAS, on November 20, 2001, the City Council awarded a $438,428.00 contract to Golden State Utility Company to install conduit and fiber optic cable on Coffee Road from Sylvan Avenue to Scenic Drive and down Scenic Drive, "H" Street and 11th Street to Tenth Street Place, and

WHEREAS, the contractor started work on February 25, 2002, and

WHEREAS, the City needs to have the contractor perform additional work in excess of the authority given to the Director of Engineering and Transportation on a project this size by the Council's change order policy adopted by Resolution No. 94-443, and

WHEREAS, Council appropriated $100,000.00 by Resolution No. 2002-128 to fund increase, and

WHEREAS, the estimated cost associated with the extra work is $100,000, increasing the estimated contract amount to $538,428.00, and

WHEREAS, the Director currently has authority to approve change orders up to a cumulative amount of 10% of the original contract price, or $43,842.80 in this case,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Engineering and Transportation Director's authority level to issue change orders, from 10% to 33% of the original contract price with Golden State Utility Company, for the project entitled "Expand ATMS Northeast."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

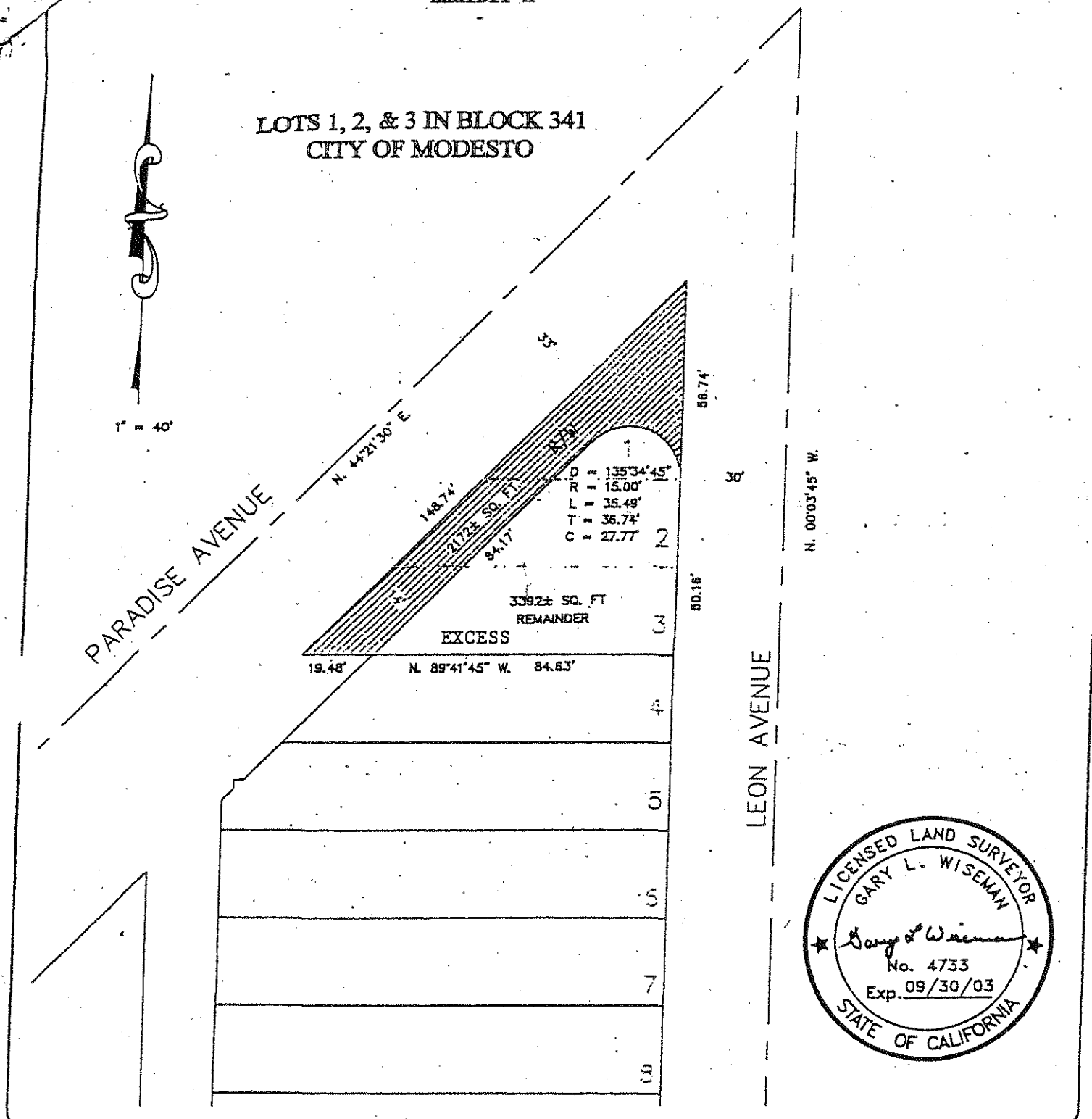
ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

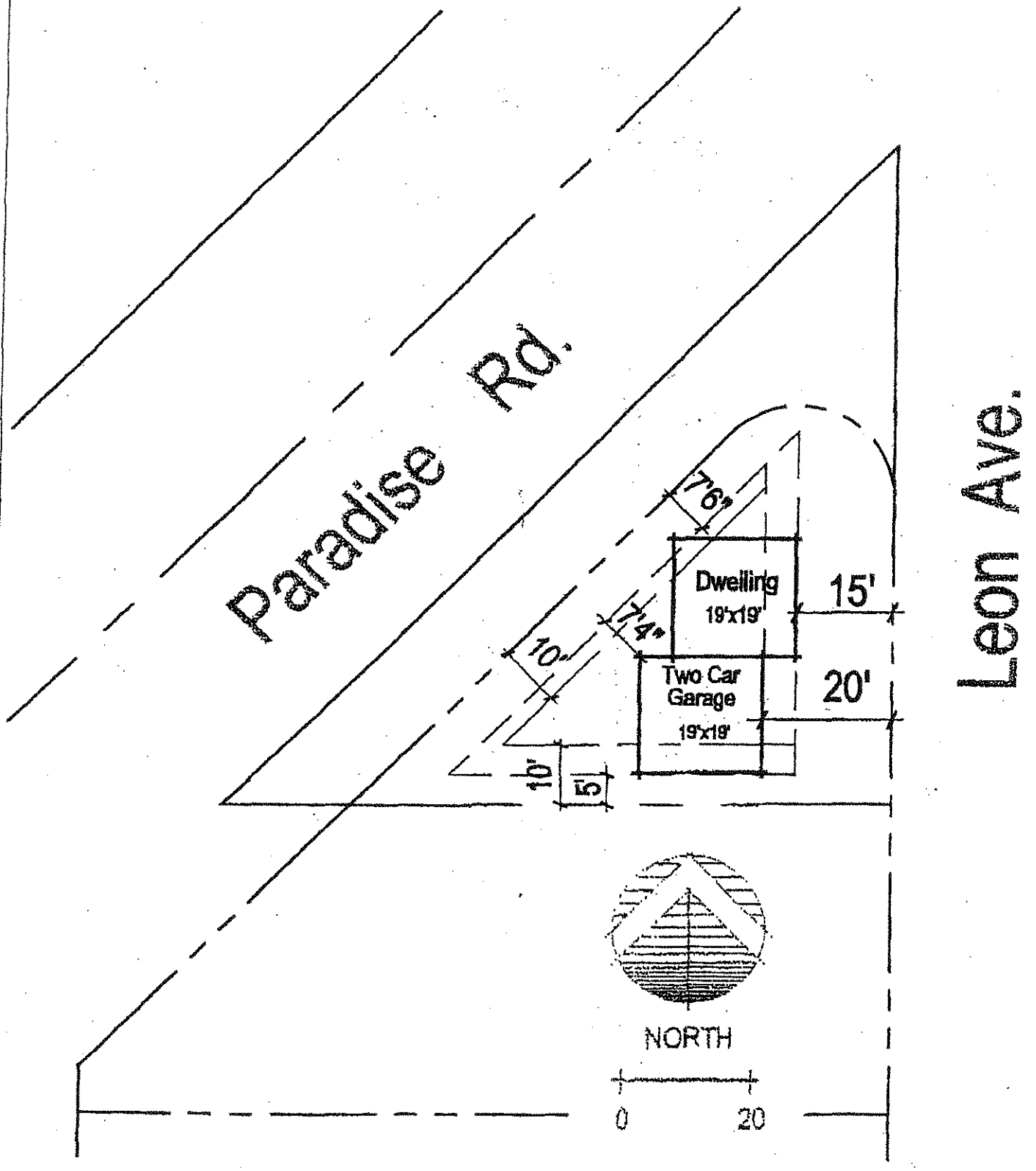
By
MICHAEL D. MILICH, City Attorney

EXHIBIT A



APPROVED BY:	P.E.	RIGHT OF WAY ACQUISITION	CITY of MODESTO DEPARTMENT OF ENGINEERING AND TRANSPORTATION
DATE:	EXP. DATE:	PARADISE AVE. AND LEON AVE.	ACTIVITY NO.
ASBUILT BY:	DATE:		
ASBUILT PLOTTED:	DATE:		
REVISED:	DATE:		
DATE: JAN. 5, 2001	DRAWN BY: GARY WISEMAN	CHECKED BY:	FIELD BOOK: PAGE:
			FILE NO. 4-A-785

EXHIBIT A


Paradise Rd.
Leon Ave.
76'
Dwelling
19'x19'
15'
7'4"
10'
Two Car
Garage
19'x19'
20'
10'
5'
NORTH
0
20

Stanislaus, CA , 2000-2001 - 102-02-38-000, Sheet 1 of 1

TION SW1/4 SECTION 32 T.3S. R.9E. M.D.B.&M.

CITY OF MODESTO - BLOCKS 337,341,342,343 & 346

002 001

THIS MAP FOR ASSESSMENT PURPOSES ONLY

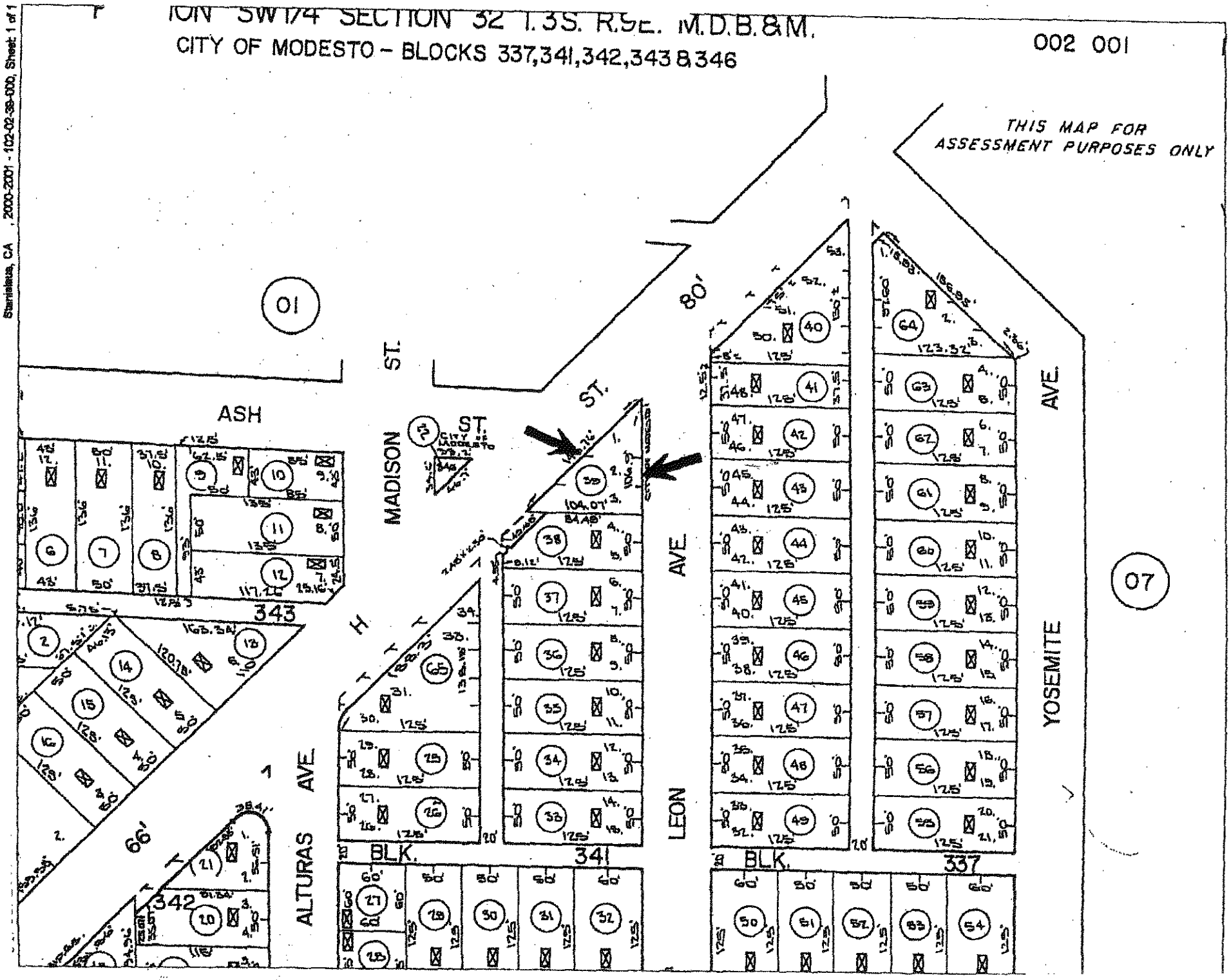


EXHIBIT A

EXHIBIT B

STANDARD COMMERCIAL/INVESTMENT PURCHASE AGREEMENT

(Non-Residential or More Than Four Residential Units)

DEFINITIONS

BROKER includes cooperating brokers and all sales persons. ***DAYS*** means calendar days, midnight to midnight, unless otherwise specified. ***BUSINESS DAY*** excludes Saturdays, Sundays and legal holidays. ***DATE OF ACCEPTANCE*** means the date Seller accepts the offer or the Buyer accepts the counter offer. ***DELIVERED*** means personally delivered, transmitted by facsimile machine, by a nationally recognized overnight courier, or by deposit in the U.S. Mail, postage prepaid. In the event of mailing, the document will be deemed delivered three (3) business days after deposit; in the event of overnight courier, one (1) business day after deposit; and if by facsimile, at time of transmission provided that a transmission report is generated and retained by the sender reflecting the accurate transmission of the document. Unless otherwise provided in this Agreement or by law, delivery to the agent will constitute delivery to the principal. ***DATE OF CLOSING*** means the date title is transferred. ***TERMINATING THE AGREEMENT*** means that both parties are relieved of their obligations and all deposits will be returned to Buyer less expenses incurred by or on account of Buyer to date of termination. ***PROPERTY*** means the real property and any personal property included in the sale.

AGENCY RELATIONSHIP CONFIRMATION. The following agency relationship is hereby confirmed for this transaction and supersedes any prior agency election:

LISTING AGENT: *PMZ Commercial Real Estate* (Print Firm Name) is the agent of (check one):

☐ the Seller exclusively; or ☒ both the Buyer and the Seller.

SELLING AGENT: _____ (Print Firm Name) (if not the same as the Listing Agent) is the agent of (check one):

☐ the Buyer exclusively; or ☐ the Seller exclusively, or ☐ both the Buyer and the Seller.

Note: This confirmation DOES NOT take the place of the AGENCY DISCLOSURE form (P.P. Form 110.42 CAL) required by law.

David Barnes hereinafter designated as BUYER, offers to purchase the real property situated in *Modesto*, County of *Stanislaus*, California, commonly known as *APN: 102-02-39, SWC Leon and Paradise Road*, FOR THE PURCHASE PRICE OF $ *5,000.00* (*Five Thousand dollars* dollars) on the following terms and conditions:

1. **FINANCING TERMS AND LOAN PROVISIONS.**

A. $ *1,000.00* **DEPOSIT** evidenced by ☒ check, or ☐ other: _____, held uncashed until acceptance and not later than three (3) business days thereafter deposited toward the purchase price with: *Fidelity Title*

B. $ _____ **ADDITIONAL CASH DEPOSIT** to be placed in escrow ☐ within ____ days after acceptance, ☐ upon receipt of Loan Commitment per Item 2, ☐ Other: _____.

C. $ *4,000.00* **BALANCE OF CASH PAYMENT** needed to close, not including closing costs.

D. $ _____ **NEW FIRST LOAN:**
☐ FIXED RATE: For _____ years, interest not to exceed _____%, payable at approximately $_____ per month (principal and interest only); with the balance due in not less than ____ years.
☐ ARM: For ____ years, initial interest rate not to exceed _____%, with initial monthly payments of $_____ and maximum lifetime rate not to exceed _____%
☐ Buyer will pay loan fee or points not to exceed _____.
☐ Lender to appraise property at no less than purchase price.
☐ OTHER TERMS: _____

E. $ _____ **EXISTING FINANCING:** ☐ **FIRST LOAN,** ☐ **SECOND LOAN:**
☐ **ASSUMPTION OF,** ☐ **SUBJECT TO** existing loan of record described as follows:
_____

F. $ _____ **SELLER FINANCING:** ☐ **FIRST LOAN,** ☐ **SECOND LOAN,** ☐ **THIRD LOAN,** secured by the property.
☐ Seller Financing Addendum, P.P Form 131.1-3 CAL, is attached and made a part of this Agreement.

G. $ _____ **OTHER FINANCING TERMS:** _____

H. $ *5000* **TOTAL PURCHASE PRICE (not including closing costs).**

2. **LOAN APPROVAL.** (Please check on of the following):
A. ☒ **CONTRACT IS NOT CONTINGENT** upon Buyer obtaining a loan.
B. ☐ **CONTRACT IS CONTINGENT** upon Buyer's ability to obtain a commitment for new financing, as set forth above, from a lender or mortgage broker of Buyer's choice, and/or consent to assumption of existing financing provided for in this Agreement, within ____ days after acceptance. Buyer will in good faith use his or her best efforts to qualify for and obtain the financing and will complete and submit a loan application within five (5) days after acceptance. Buyer ☐ will, ☐ will not provide a ☐ prequalification letter or ☐ preapproval

Buyer [DB] [_____] and Seller [_____] [_____] have read this page.

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EXHIBIT B

Property Address *APN: 102-02-39, SWC Leon and Paradise Road*

letter from lender or mortgage broker based on Buyer's application and credit report **within** ____ **days after acceptance.** In the event a loan commitment or consent is obtained but not timely honored without fault of Buyer, Buyer may terminate this Agreement.

3. **BONDS AND ASSESSMENTS.** All bonds and assessments which are part of or paid with the property tax bill will be assumed by the Buyer. In the event there are other bonds or assessments which have an outstanding principal balance and are a lien upon the property, the current installment will be prorated between Buyer and Seller as of the date of closing. Future installments will be assumed by Buyer WITHOUT CREDIT toward the purchase price, EXCEPT AS FOLLOWS: *No exception*

This Agreement is conditioned upon both parties verifying and approving in writing the amount of any bond or assessment to be assumed or paid **within ten (10) days after receipt** of the preliminary title report or property tax bill whichever is later. In the event of disapproval, the disapproving party may terminate this Agreement.

4. **PROPERTY TAX. Within Three (3) days after acceptance,** Seller will deliver to Buyer for his or her approval a copy of the latest property tax bill. Buyer is advised that: (a) the property will be reassessed upon change of ownership which may result in a tax increase; and (b) the tax bill may not include certain exempt items such as school taxes on property owned by seniors. Buyer should make further inquiry at the assessor's office. **Within five (5) days after receipt** of the tax bill, Buyer will in writing approve or disapprove the tax bill. In the event of disapproval, Buyer may terminate this agreement.

5. **EXISTING LOANS.** Seller will, **within three (3) days after acceptance,** provide Buyer with copies of all notes and deeds of trust to be assumed or taken subject to. **Within five (5) days after receipt** Buyer will notify Seller in writing of his or her approval or disapproval of the terms of the documents. Approval will not be unreasonably withheld. **Within three (3) days after acceptance,** Seller will submit a written request for a current Statement of Condition on the above loan(s). Seller warrants that all loans will be current at close of escrow. Seller will pay any prepayment charge imposed on any existing loan paid off at close of escrow. Buyer will pay the prepayment charge on any loan which is to remain a lien upon the property after close of escrow. The parties are encouraged to consult his or her lender regarding prepayment provisions and any due on sale clauses.

6. **DESTRUCTION OF IMPROVEMENTS.** If the improvements of the property are destroyed, materially damaged, or found to be materially defective as a result of such damage prior to close of escrow, Buyer may terminate this Agreement by written notice delivered to Seller or his or her Broker, and all unused deposits will be returned. In the event Buyer does not elect to terminate this Agreement, Buyer will be entitled to receive, in addition to the property, any insurance proceeds payable on account of the damage or destruction.

7. **EXAMINATION OF TITLE.** In addition to any encumbrances assumed or taken "subject to," Seller will convey title to the property subject only to: [1] real estate taxes not yet due; and [2] covenants, conditions, restrictions, rights of way and easements of record, if any, which do not materially affect the value or intended use of the property.

Within three (3) days after acceptance, Buyer will order a Preliminary Title Report and copies of CC&Rs and other documents of record if applicable. **Within five (5) days after receipt,** Buyer will report to Seller in writing any valid objections to title contained in such report (other than monetary liens to be paid upon close of escrow). If Buyer objects to any exceptions to the title, Seller will use due diligence to remove such exceptions at his or her own expense **before close of escrow.** If such exceptions cannot be removed before close of escrow, this Agreement will terminate, unless Buyer elects to purchase the property subject to such exceptions. If Seller concludes he or she is in good faith unable to remove such objections, Seller will so notify Buyer within ten (10) days after receipt of said objections. In that event Buyer may terminate this Agreement.

8. **EVIDENCE OF TITLE** will be in the form of a policy of title insurance, issued by *Title company*, paid by ☐ Buyer, ☒ Seller, ☐ Other ____

NOTE: Buyer should discuss the type of policy with the title company of his or her choice at the time escrow is opened. In the event a lender requires an ALTA lender's policy of title insurance, ☐ Buyer, ☒ Seller will pay the premium.

9. **PRORATIONS.** Rents, real estate taxes, interest, payments on bonds and assessments assumed by Buyer, and homeowners association fees will be prorated as of the date of recordation of the deed. Security deposits, advance rentals, or considerations involving future lease credits will be credited to Buyer.

10. **CLOSING.** Full purchase price to be paid and deed to be recorded ☐ **on or before** ____, OR ☒ **within** *30* **days after acceptance.** Both parties will deposit with an authorized escrow holder, to be selected by Buyer, all funds and instruments necessary to complete the sale in accordance with the terms of this Agreement. ☐ Where customary, signed escrow instructions will be delivered to escrow holder **within** *15* **days after acceptance.** Escrow fee to be paid by *1/2 Buyer 1/2 Seller*. ____ County/City transfer tax(es), if any, to be paid by *Seller*.

THIS PURCHASE AGREEMENT TOGETHER WITH ANY ADDENDA WILL CONSTITUTE JOINT ESCROW INSTRUCTIONS TO THE ESCROW HOLDER.

11. **PHYSICAL POSSESSION.** Physical possession of the property, with keys to all property locks, alarms, and garage door openers, will be delivered to Buyer (check one):

☒ On the date of recordation of the deed, not later than *11:00* ☒ a.m., ☐ p.m.;
☐ On the ____ day after recordation, not later than ____ ☐ a.m., ☐ p.m.

12. **FIXTURES.** All items permanently attached to the property, including light fixtures and bulbs, attached floor coverings, all attached window coverings, including window hardware, window and door screens, storm sash, combination doors, awnings, TV antennas, burglar, fire, smoke and security alarms (unless leased), pool and spa equipment, solar systems, attached fireplace screens, electric garage door openers with controls, outdoor plants and trees (other than in movable containers), are included in the purchase price free of liens, EXCLUDING: *None*

Buyer [DS] [____] and **Seller** [____] [____] **have read this page.**

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EXHIBIT B

Property Address *APN: 102-02-39, SWC Leon and Paradise Road*

13. **NOTICE OF VIOLATIONS.** By acceptance, Seller warrants that he or she has no written notice of violations relating to the property from City, County, State, Federal or any other governmental agencies.
14. **INCOME AND EXPENSE STATEMENT. Within seven (7) days of acceptance,** Seller will deliver to Buyer, for his or her approval, a true and complete statement of rental income and expenses. **Within seven (7) days of receipt of that statement,** Buyer will notify Seller in writing of his or her approval or disapproval. In case of disapproval, Buyer may terminate this Agreement.
15. **SERVICE CONTRACTS. Within seven (7) days of acceptance,** Seller will furnish Buyer, for his or her approval copies of any service and/or equipment rental contracts with respect to the property which run beyond close of escrow. **Within seven (7) days of receipt of the copies,** Buyer will notify Seller in writing of his or her approval or disapproval. In case of disapproval, Buyer may terminate this Agreement.
16. **EXISTING LEASES.** This Agreement is subject to existing leases, and rental agreements. **Within seven (7) days of acceptance,** Seller will deliver to Buyer, for his or her approval, true copies of all existing leases and rental agreements, copies of all outstanding notices sent to tenants, and a written statement of any oral agreements with tenants. Seller will also deliver to Buyer, **within seven (7) days of acceptance,** a statement of any uncured defaults, claims made by or to tenants, and a statement of all tenants' deposits held by Seller. Seller warrants all information to be true and complete. Buyer's obligations are conditioned upon approval of existing leases and rental agreements. **Within seven (7) days of receipt of the documents,** Buyer will notify Seller in writing of his or her approval or disapproval. In case of disapproval, Buyer may terminate this Agreement. Buyer's obligations under this Agreement are further conditioned upon receipt on or before date of closing of Estoppel Certificates executed by each tenant acknowledging that a lease or rental agreement is in effect, that no lessor default exists, and stating the amount of any prepaid rent or security deposit.
17. **CHANGES DURING TRANSACTION.** During the pendency of this transaction, Seller agrees that no changes in the existing leases or rental agreements will be made, nor new leases or rental agreements entered into, nor will any substantial alterations or repairs be made or undertaken to the property without the written consent of the Buyer.
18. **MAINTENANCE.** Seller will maintain the property until the closing in its present condition, ordinary wear and tear excepted. The heating, ventilating, air conditioning, plumbing, elevators, loading doors, and electrical systems will be in good operating order and condition as of the time of closing.
19. **ACCESS TO PROPERTY.** Seller agrees to provide reasonable access to the property to Buyer and inspectors, appraisers, and all other professionals representing Buyer.
20. **WALK-THROUGH INSPECTION.** Buyer will have the right to conduct a walk-through inspection of the property **within** _____ **days prior to close of escrow,** to verify Seller's compliance with the provisions under Item 12, FIXTURES, and Item 18, MAINTENANCE. This right is not a condition of this Agreement, and Buyer's sole remedy for an alleged breach of these items is a claim for damages. Utilities are to remain turned on until transfer of possession.
21. **COMPLIANCE WITH LOCAL LAWS.** Seller will comply with any local laws applicable to the sale or transfer of the property, including but not limited to: Providing inspections and/or reports for compliance with local building and permit regulations, including septic system inspection reports; compliance with minimum energy conservation standards; and compliance with water conservation measures. All required inspections and reports will be ordered **within three (3) days after acceptance** and will be paid by ☒ Seller, ☐ Buyer. If Seller does not agree **within five (5) days after receipt** of a report to pay the cost of any repair or improvement required to comply with such laws, Buyer may terminate this Agreement. It is understood that if Seller has given notice that necessary permits or final approvals were not obtained for some improvements, Seller will not be responsible for bringing the improvements into compliance unless otherwise agreed.
22. **OPTIONAL PROVISIONS.** The provisions in this Item 22, **IF INITIALED BY BUYER are included in this Agreement.**

22-A. [DD] [____] **INSPECTIONS OF PHYSICAL CONDITION OF PROPERTY.** Buyer will have the right to retain, at his or her expense, licensed experts including but not limited to engineers, geologists, architects, contractors, surveyors, arborists, and structural pest control operators to inspect the property for any structural and nonstructural conditions, including matters concerning roofing, electrical, plumbing, heating, cooling, appliances, well, septic system, pool, boundaries, geological and environmental hazards, toxic substances including asbestos, formaldehyde, radon gas, and lead-based paint. Buyer, if requested by Seller in writing, will promptly furnish, at no cost to Seller, copies of all written inspection reports obtained. Buyer will approve or disapprove in writing all inspection reports obtained **within** _____ **days after acceptance.** In the event of Buyer's disapproval, Buyer may, within the time stated or mutually agreed upon extension, elect to terminate this Agreement, or invite Seller to negotiate repairs. (See P.P. Form 101-M, Addendum Regarding Removal of Inspection Contingencies.)

22-B. [____] [____] **MAINTENANCE RESERVE.** Seller agrees to leave in escrow a maintenance reserve in the amount of $ _____. If, in the reasonable opinion of a qualified technician, any of the equipment listed under Item 18, MAINTENANCE, is not in working order, Buyer will furnish Seller a copy of the technician's inspection report and/or submit written notice to Seller of non-compliance of any of the terms under Item 18, MAINTENANCE, **within five (5) days after occupancy is delivered.**

In the event Seller fails to make the repairs and/or corrections **within five (5) days after receipt of said report or notice,** Seller authorizes the escrow holder to disburse to Buyer against bills for such repairs or corrections the sum of such bills, not to exceed the amount reserved. Said reserve will be disbursed to Buyer or returned to Seller **not later than fifteen (15) days after date occupancy is delivered.**

22-C. [DD] [____] **FLOOD HAZARD ZONE.** Buyer has been advised that the property is located in a special flood hazard area designated by the Federal Emergency Management Agency (FEMA). It will be necessary to purchase flood insurance in order to obtain any loan secured by the property from any federally regulated financial institution or a loan insured or guaranteed by an agency of the U.S. Government. The purpose of the program is to provide flood insurance at reasonable cost. For further information consult your lender or insurance carrier.

Buyer [DD] [____] **and Seller** [____] [____] **have read this page.**

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EXHIBIT B

Property Address *APN: 102-02-39, SWC Leon and Paradise Road*

22-D. [DS] [____] **EARTHQUAKE FAULT OR SEISMIC HAZARD ZONE DISCLOSURES.** The property is situated in a Earthquake Fault Zone or Seismic Hazard Zone as designated under §§ 2621-2625 and §§ 2690-2699.6 of the California Public Resources Code. Construction or development of any structure for human occupancy may be restricted. No representations on the subject are made by Seller or Broker. Buyer may make further independent inquiries at appropriate governmental agencies concerning the use of the property under the terms of the above statutes. **Within seven (7) days after acceptance,** Buyer will notify Seller in writing of satisfaction or dissatisfaction of said inquiries. In case of dissatisfaction Buyer may terminate this Agreement.

22-E. [____] [____] **PROBATE/CONSERVATORSHIP SALE.** Pursuant to the California Probate Code, this sale is subject to court approval at which time the court may allow open competitive bidding. An "AS IS" Addendum (P.P. Form 101-AI) ☐ is, ☐ is not attached and made a part of this Agreement.

22-F. [____] [____] **RENT CONTROL ORDINANCE.** Buyer is aware that a local ordinance is in effect which regulates the rights and obligations of property owners. It may also affect the manner in which future rents can be adjusted.

22-G. [____] [____] **TAX DEFERRED EXCHANGE (INVESTMENT PROPERTY).** In the event that Seller wishes to enter into a tax deferred exchange for the property, or Buyer wishes to enter into a tax deferred exchange with respect to property owned by him or her in connection with this transaction, each of the parties agrees to cooperate with the other party in connection with such exchange, including the execution of such documents as may be reasonably necessary to complete the exchange; provided that: (a) the other party will not be obligated to delay the closing; (b) all additional costs in connection with the exchange will be borne by the party requesting the exchange; (c) the other party will not be obligated to execute any note, contract, deed or other document providing for any personal liability which would survive the exchange; and (d) the other party will not take title to any property other than the property described in this Agreement. It is understood that a party's rights and obligations under this Agreement may be assigned to a third party intermediary to facilitate the exchange. The other party will be indemnified and held harmless against any liability which arises or is claimed to have arisen on account of the exchange.

22-H. [____] [____] **PERSONAL PROPERTY.** The purchase price includes all furniture and furnishings and any other personal property owned by Seller and used in the operation of the property per attached signed inventory, receipt of which is hereby acknowledged. This inventory is incorporated by reference. The personal property will be transferred to Buyer by a Warranty Bill of Sale **delivered at closing.**

23. **DEFAULT.** In the event Buyer defaults in the performance of this Agreement (unless Buyer and Seller have agreed to liquidated damages), Seller may, subject to any rights of Broker, retain Buyer's deposit to the extent of damages sustained and may take such actions as he or she deems appropriate to collect such additional damages as may have been actually sustained. Buyer will have the right to take such action as he or she deems appropriate to recover such portion of the deposit as may be allowed by law. In the event that Buyer defaults (unless Buyer and Seller have agreed to liquidated damages) Buyer agrees to pay the Broker(s) any commission that would be payable by Seller in the absence of such default.

24. **LIQUIDATED DAMAGES. By initialing in the spaces below,**

[DS] [_____] **Buyer agrees** [_____] [_____] **Buyer does not agree**

[_____] [_____] **Seller agrees** [_____] [_____] **Seller does not agree**

that in the event Buyer defaults in the performance of this Agreement, Seller will retain as liquidated damages the deposit set forth in Items 1-A and 1-B, and that said liquidated damages are reasonable in view of all the circumstances existing on the date of this Agreement. In the event of additional deposit(s) required under Item 1-B, the parties will execute a similar liquidated damages provision as required by law. In the event that Buyer defaults and has not made the deposit required under Item 1-B or refuses to execute the liquidated damages provision with respect to such additional deposit, then Seller will have the option of retaining the initial deposit or terminating the obligations of the parties under this Item 24 and recovering such damages from Buyer as may be allowed by law. Parties understand that in case of dispute mutual cancellation instructions are necessary to release funds from escrow or trust accounts.

25. **MEDIATION OF DISPUTES.** If a dispute arises out of or relates to this Agreement or its breach, by initialing in the "agree" spaces below the parties agree to first try in good faith to settle the dispute by voluntary mediation before resorting to court action or arbitration, unless the dispute is a matter excluded under Item 26 ARBITRATION.

[DS] [_____] **Buyer agrees** [_____] [_____] **Buyer does not agree**

[_____] [_____] **Seller agrees** [_____] [_____] **Seller does not agree**

26. **ARBITRATION OF DISPUTES. Any dispute or claim in law or equity arising out of this Agreement will be decided by neutral binding arbitration in accordance with the California Arbitration Act (C.C.P. § 1280 et seq.), and not by court action except as provided by California law for judicial review of arbitration proceedings. Judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction. The parties will have the right to discovery in accordance with Code of Civil Procedure § 1283.05.**

The parties agree that the following procedure will govern the making of the award by the arbitrator: (a) a Tentative Award will be made by the arbitrator within 30 days following submission of the matter to the arbitrator; (b) the Tentative Award will explain the factual and legal basis for the arbitrator's decision as to each of the principal controverted issues; (c) the Tentative Award will be in writing unless the parties agree otherwise; provided, however, that if the hearing is concluded within one (1) day, the Tentative Award may be made orally at the hearing in the presence of the parties. Within 15 days after the Tentative Award has been served or announced, any party may serve objections to the Tentative Award. Upon objections being timely served, the arbitrator may call for additional evidence, oral or written argument, or both. If no objections are filed, the Tentative Award will become final without further action by the parties or arbitrator. Within thirty (30) days after the filing of objections,

Buyer [DS] [_____] and Seller [_____] [_____] have read this page.

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EXHIBIT B

Property Address *APN: 102-02-39, SWC Leon and Paradise Road*

the arbitrator will either make the Tentative Award final or modify or correct the Tentative Award, which will then become final as modified or corrected.

The provisions of C.C.P. § 128.5 authorizing the imposition of sanctions as a result of bad faith actions or tactics will apply to the arbitration proceedings. A prevailing party will also be entitled to an action for malicious prosecution if the elements of such cause of action are met.

The following matters are excluded from arbitration: (a) a judicial or non-judicial foreclosure or other action or proceeding to enforce a deed of trust, mortgage, or real property sales contract as defined in Civil Code § 2985; (b) an unlawful detainer action; (c) the filing or enforcement of a mechanic's lien; (d) any matter which is within the jurisdiction of a probate court, or small claims court; or (e) an action for bodily injury or wrongful death, or for latent or patent defects to which Code of Civil Procedure § 337.1 or § 337.15 applies. The filing of a judicial action to enable the recording of a notice of pending action, for order of attachment, receivership, injunction, or other provisional remedies, will not constitute a waiver of the right to arbitrate under this provision.

NOTICE: By initialing in the ["agree"] space below you are agreeing to have any dispute arising out of the matters included in the "Arbitration of Disputes" provision decided by neutral arbitration as provided by California law and you are giving up any rights you might possess to have the dispute litigated in a court or jury trial. By initialing in the ["agree"] space below you are giving up your judicial rights to discovery and appeal, unless those rights are specifically included in the "Arbitration of Disputes" provision. If you refuse to submit to arbitration after agreeing to this provision, you may be compelled to arbitrate under the authority of the California Code of Civil Procedure. Your agreement to this arbitration provision is voluntary.

We have read and understand the foregoing and agree to submit disputes arising out of the matters included in the "Arbitration of Disputes" provision to neutral arbitration.

[DSB] [_____] Buyer agrees [_____] [_____] Buyer does not agree

[_____] [_____] Seller agrees [_____] [_____] Seller does not agree

27. **ATTORNEY FEES.** In any action or proceeding involving a dispute between Buyer and Seller arising out of the execution of this Agreement or the sale, whether for tort or for breach of contract, and whether or not brought to trial or final judgment, the prevailing party will be entitled to receive from the other party a reasonable attorney fee and expert witness fees to be determined by the court or arbitrator(s).
28. **EXPIRATION OF OFFER.** This Offer will expire unless acceptance is delivered to Buyer or to Agent (Buyer's Broker) on or before (date) April 12, 2002 (time) 5 ☐ a.m. ☒ p.m.
29. **COUNTERPARTS.** This Agreement may be executed in one or more counterparts, each of which is deemed to be an original.
30. **CONDITIONS SATISFIED/WAIVED IN WRITING.** Each condition or contingency, covenant, approval or disapproval will be satisfied according to its terms or waived by written notice delivered to the other party or his or her Broker.
31. **TIME.** Time is of the essence of this Agreement; provided, however, that if either party fails to comply with any contingency in this Agreement within the time limit specified, this Agreement will not terminate until the other party delivers written notice to the defaulting party requiring compliance within 24 hours after receipt of notice. If the party receiving the notice fails to comply within the 24 hours, the non-defaulting party may terminate this Agreement without further notice.
32. **SURVIVAL.** The omission from escrow instructions of any provision in this Agreement will not waive the right of any party. All representations or warranties will survive the close of escrow.
33. **ENTIRE AGREEMENT/ASSIGNMENT PROHIBITED.** This document contains the entire agreement of the parties and supersedes all prior agreements or representations with respect to the property which are not expressly set forth. This Agreement may be modified only in writing signed and dated by both parties. **Both parties acknowledge that they have not relied on any statements of the real estate Agent or Broker which are not expressed in this Agreement.** Buyer may not assign any right under this agreement without the prior written consent of Seller. Any such assignment will be void and unenforceable.
34. **ADDENDA.** The following addenda are attached and made a part of this Agreement:
    ☐ Addendum No. 1 _____
    ☐ Addendum No. 2 _____
35. **ADDITIONAL TERMS AND CONDITIONS.**

Buyers are purchasing property "as-is" and they are aware of all building set-back requirements.

NOTICE: The California Department of Justice, sheriff's departments, police departments serving jurisdictions of 200,000 or more and many other local law enforcement authorities maintain for public access a data base of the locations of persons required to register pursuant to paragraph (1) of subdivision (a) of Section 290.4 of the Penal Code. The data base is updated on a quarterly basis and a source of information about the presence of these individuals in any neighborhood. The Department of Justice also maintains a Sex Offender Indetification Line through which inquiries about individuals may be made. This is a "900" telephone service. Callers must have specific information about individuals they are checking. Information regarding neighborhoods is not available through the "900" telephone service.

Buyer [DSB] [_____] **and Seller** [_____] [_____] **have read this page.**

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EXHIBIT B

Property Address *APN: 102-02-39, SWC Leon and Paradise Road*

LIMITATION OF AGENCY: A real estate broker or agent is qualified to advise on real estate. If you have any questions concerning the legal sufficiency, legal effect, insurance, or tax consequences of this document or the related transactions, consult with your attorney, accountant or insurance advisor.

The undersigned Buyer acknowledges that he or she has thoroughly read and approved each of the provisions of this offer and agrees to purchase the property for the price and on the terms and conditions specified. Buyer acknowledges receipt of a copy of this offer.

Buyer David Bowers Date 4-4-02 Time _____

Buyer _____ Date _____ Time _____

Address 606 Hartley Dr.
Modesto, Ca. 95356

ACCEPTANCE

Seller accepts the foregoing Offer and agrees to sell the property for the price and on the terms and conditions specified.

NOTICE: The amount or rate of real estate commissions is not fixed by law. They are set by each Broker individually and may be negotiable between the Seller and Broker.

36. **COMMISSION.** Seller agrees to pay in cash the following real estate commission for services rendered, which commission Seller hereby irrevocably assigns to Broker(s) from escrow:
10 % of the accepted price, or $_____, to the listing Broker: *PMZ Commercial Real Estate*, and
_____ % of the accepted price, or $_____, to the selling Broker: _____
without regard to the agency relationship. Escrow instructions with respect to commissions may not be amended or revoked without the written consent of the Broker(s).
If Seller receives liquidated or other damages upon default by Buyer, Seller agrees to pay Broker(s) the lesser of the amount provided for above or one half of the damages after deducting any costs of collection, including reasonable attorney fees.
Commission will also be payable upon any default by Seller, or the mutual rescission by Buyer and Seller without the written consent of the Broker(s), which prevents completion of the purchase. This Agreement will not limit the rights of Broker and Seller provided for in any existing listing agreement.
In any action for commission the prevailing party will be entitled to reasonable attorney fees whether or not the action is brought to trial or final judgment.
37. **PROVISIONS TO BE INITIALED.** The following items must be "agreed to" by both parties to be binding on either party. In the event of disagreement, Seller should make a counter offer.
Item 24. LIQUIDATED DAMAGES **Item 25.** MEDIATION OF DISPUTES **Item 26.** ARBITRATION OF DISPUTES

Seller acknowledges receipt of a copy of this Agreement. Authorization is given to the Broker(s) in this transaction to deliver a signed copy to Buyer and to disclose the terms of purchase to members of a Multiple Listing Service, Board or Association of REALTORS® at close of escrow.

38. **IF CHECKED ☐ ACCEPTANCE IS SUBJECT TO ATTACHED COUNTER OFFER DATED** _____

Seller _____ (Signature)
_____ (Please Print Name)
Date _____ Time _____
Address _____

Seller _____ (Signature)
_____ (Please Print Name)
Date _____ Time _____

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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-177

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT REQUEST FOR BIDS FOR LIQUID FERRIC CHLORIDE

WHEREAS, the Operations and Maintenance Department-Water Quality Control (WQC) has requested the purchase of liquid ferric chloride for FY 2002/2003 with the option of two (2) additional, one-year extensions, and

WHEREAS, liquid ferric chloride eliminates the need to use chlorine at the primary wastewater treatment plant, and

WHEREAS, liquid ferric chloride is used for controlling hydrogen sulfide gas odor and eliminates the potential hazards and cost associated with the maintenance and operation of the chlorinating process,

WHEREAS, by soliciting competitive bids for liquid ferric chloride, the Finance Department – Purchasing Division will comply with the Modesto Municipal Code, Section 8-3. 204, regarding formal bid procedures,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that formal solicitation of bids for liquid ferric chloride is hereby approved as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for liquid ferric chloride to be opened in the office of the City Clerk, 1010th Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 2002 by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-178

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMMALLY SOLICIT REQUEST FOR BIDS FOR LIQUID SULPHUR DIOXIDE

WHEREAS, the Operations and Maintenance Department-Water Quality Control (WQC) has requested the purchase of liquid sulphur dioxide for FY 2002/2003 with the option of two (2) additional, one-year extensions, and

WHEREAS, the City of Modesto is responsible for the proper disinfection of water that is discharged into the San Joaquin River based on the Regional Water Quality Control Board permit, and

WHEREAS, liquid sulphur dioxide is used at the Jennings Road facility to de-chlorinate secondary treated wastewater before it is discharged into the San Joaquin River, and

WHEREAS, liquid sulphur dioxide is used during river discharge season from October through May, and

WHEREAS, by soliciting competitive bids for liquid sulphur dioxide, the Finance Department-Purchasing Division will comply with the Modesto Municipal Code, Section 8-3.204, regarding formal bid procedures,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that formal solicitation of bids for liquid sulphur dioxide is hereby approved as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for liquid sulphur dioxide to be opened in the office of the City Clerk, 1010th Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 2002 by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-179

A RESOLUTION ACCEPTING THE PROJECT TITLED "HETCH HETCHY BICYCLE PATH PHASE 3 (STANDIFORD TO SEMALLON)" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Hetch Hetchy Bicycle Path Phase 3 (Standiford to Semallon), has been completed by George Reed, Inc., in accordance with the contract agreement dated August 14, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Hetch Hetchy Bicycle Path Phase 3 (Standiford to Semallon) project be accepted from said contractor, George Reed, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $331,573.51 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-180

A RESOLUTION ACCEPTING IMPROVEMENTS IN VILLAGE HIGHLANDS PHASE 4 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Inland Village, a General Partnership, subdividers of Village Highlands Phase 4 subdivision, have filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $1,186,300 and $593,150, respectively, and,

WHEREAS, JKB Homes, Inc., has filed a warranty bond in the amount of $118,630 to guarantee improvements in Village Highlands Phase 4 subdivision, and,

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department, and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:

1. The improvements in Village Highlands Phase 4 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $1,186,300 upon recordation of the notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $593,150 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $118,630 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-181

A RESOLUTION ACCEPTING IMPROVEMENTS IN VILLAGE HIGHLANDS PHASE 5 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Inland Village, a General Partnership, subdividers of Village Highlands Phase 5 subdivision, have filed subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $367,577 and $183,788, respectively, and,

WHEREAS, JKB Homes, Inc., has filed a warranty bond in the amount of $36,757 to guarantee improvements in Village Highlands Phase 5 subdivision, and,

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:

1. The improvements in Village Highlands Phase 5 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $367,577 upon recordation of the notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $183,788 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $36,758 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-182

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JANICE KEATING FROM THE COMMUNITY QUALITIES FORUM, EFFECTIVE APRIL 16, 2001

WHEREAS, JANICE KEATING was appointed a member of the Community Qualities Forum on June 26, 2001; and

WHEREAS, JANICE KEATING has tendered his resignation from the Community Qualities Forum, effective April 16, 2002; and

WHEREAS, JANICE KEATING has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of JANICE KEATING from the Community Qualities Forum be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to JANICE KEATING for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-183

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER WILL O'BRYANT AND COUNCILMEMBER TIM FISHER TO JPA GOVERNING BOARD FOR THE EMERGENCY DISPATCH CENTER

WHEREAS, on March 19, 1999, Council approved an Emergency Dispatch renovation agreement to remodel, furnish, and equip the City/County building at 3705 Oakdale Road and approved a Joint Exercise of Powers Agreement with Stanislaus County for shared operation of the Emergency Dispatch Center effective September, 1999.

WHEREAS, the JPA Agreement calls for the creation of a governing board of seven members: three County, three City of Modesto and one member appointed by the six members of the JPA Governing Board.

WHEREAS, on August 3, 1999, the Modesto City Council appointed Councilmember Mike Serpa as the City Council representative and Councilmember Tim Fisher as alternate member to the Emergency Dispatch JPA Governing Board,

WHEREAS, the term of office for Councilmember Mike Serpa expired in December, 2001.

NOW, THEREFORE, be it resolved, that Councilmember WILL O'BRYANT is appointed as the City Council representative to the Emergency Dispatch JPA and Councilmember TIM FISHER is appointed as the City Council alternate.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

AMENDED

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-184

A RESOLUTION RATIFYING PREVIOUS COUNCIL DIRECTION TO STAFF AND CANCELING THE SPECIAL ALL MAIL BALLOT ELECTION PREVIOUSLY SCHEDULED FOR APRIL 29, 2002, FOR THE PURPOSE OF SUBMITTING TO THE PROPERTY OWNERS OF THE CITY OF MODESTO A RESOLUTION INCREASING THE STORM DRAINAGE SEWER SURCHARGE RATES BY 8%, DIRECTING STAFF TO CONFORM THE CITY'S CURRENT STORM DRAINAGE SEWER SURCHARGE RATE RESOLUTION TO THE CURRENT BILLING PRACTICES, DIRECTING THE CITY CLERK TO DESTROY ANY AND ALL BALLOTS SUBMITTED IN SAID ELECTION PURSUANT TO THE PROVISIONS OF THE CALIFORNIA ELECTIONS CODE, AND DIRECTING STAFF TO CONDUCT AN INDEPENDENT CONFORMANCE ANALYSIS OF ALL UTILITY BILLINGS TO ASSURE BILLING PRACTICES CONFORM TO ADOPTED RESOLUTIONS IN ALL CASES.

WHEREAS, on February 5, 2002, the City Council adopted Resolution No. 2002-52 calling for a special election to be conducted wholly by mail ballot to be held on April 29, 2002, for the purpose of submitting to the property owners of the City of Modesto a resolution increasing the City's storm drainage sewer surcharge rates by 8%, and to adjust said rates annually thereafter up to 3.5% per year for a period not to exceed four years, and

WHEREAS, the ballots for said election were mailed to the property owner voters on March 12, 2002, and

WHEREAS, City staff has determined that the rates reflected in the mailed ballot and the protest hearing notice previously mailed to said property owners in September, 2001, did not, for the reasons set forth below, fully inform the voters as to the basis of the rate calculation and all the reasons for the requested fee increase as required by Proposition 218, and

WHEREAS, the reason for said defective notice is that the actual basis for the rates currently in effect is different than the rate basis set forth in the notice and the previously Council adopted rate resolution with the result that the City has been underbilling every rate category except single-family residential for ten or more years, and the cumulative affect of the underbilling is approximately $1.5 million, and

WHEREAS, the City Attorney has advised the City Council that the legal effect of failure to advise the voters of these material facts is a violation of Proposition 218, and

WHEREAS, the City Council received the City Attorney's advice in a closed session held for that purpose on April 9, 2002, and directed staff to cancel the April 29, 2002 storm drain sewer surcharge election,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Resolution No. 2002-52 calling for said storm drainage sewer surcharge election is hereby rescinded and said election is hereby canceled thereby ratifying the direction previously given to staff to cancel said election.

SECTION 2. The City Clerk of the City of Modesto is hereby ordered to retain said ballots in an unopened state for the period set forth in Chapter 4 of Division 17 of the California Elections Code (Elections Code Section 17300 et seq.) and to thereafter destroy said ballots in accordance with said statutes.

SECTION 3. City staff is hereby directed to develop a new storm drainage sewer surcharge rate resolution that conforms to the City's current billing practices for later approval by the City Council.

SECTION 4. City staff is hereby directed to conduct an independent conformance analysis of all utility billings to assure billing practices conform to adopted resolutions in all cases.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-185

A RESOLUTION APPROVING AN AMENDMENT TO THE ANIMAL CONTROL SHELTER SERVICES AGREEMENT TO EXTEND THE TERM OF SAID AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto and County of Stanislaus entered into an Agreement for Animal Control Shelter Services on February 28, 1972, and

WHEREAS, said Agreement was for a term of thirty (30) years, thus expiring on February 28, 2002, and

WHEREAS, the parties now wish to enter into a new Agreement with different conditions, promises and covenants, and

WHEREAS, the 1972 Agreement specifically authorizes an Amendment to the Agreement at any time by mutual agreement of the parties in writing, and

WHEREAS, the parties understand and agree it is necessary to extend the term of the 1972 Agreement in order to allow the parties sufficient time to negotiate, prepare and to submit said Agreement to their respective agencies for approval, and

WHEREAS, the parties agree to amend the 1972 Agreement so that the conditions, promises and covenants of that Agreement are in effect for a term beginning on March 1, 2002, and terminating on September 30, 2002, and a copy of the Amendment is attached to this Resolution, and

WHEREAS, it is necessary for the City Council to adopt a resolution authorizing the City Manager to execute the Amendment to the 1972 Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

The City Manager is hereby directed to execute an Amendment to the 1972 Animal Control Shelter Services Agreement extending the conditions, promises and covenants of that Agreement for a term to begin on March 1, 2002, and to terminate on September 30, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-186

A RESOLUTION INCREASING LOAN LIMITS FOR EMERGENCY HOME REPAIR PROGRAM AND COMBINED EMERGENCY HOME REPAIR PROGRAM/DISABLED ACCESS ASSISTANCE PROGRAM AND APPROVING HOUSEKEEPING CHANGES TO CHAPTER 12 OF THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT, RECREATION AND NEIGHBORHOOD SERVICES DIVISION MANUAL.

WHEREAS, the City operates the Emergency Home Repair Program (EHRP) and the Disabled Access Assistance Program (DAAP) to provide loans to repair or eliminate emergency conditions in homes including critical health and safety hazards, and to provide assistance for disabled persons in making their homes more accessible, and

WHEREAS, staff is recommending that the maximum loan limits be increased to $15,000 for Emergency Home Repair Program Loans and to $25,000 for combined Emergency Home Repair Program/Disabled Access Assistance Program loans to address current costs for repairs and required testing and permits, and

WHEREAS, staff is also recommending that Chapter 12 of the Policy and Procedures Manual for the Parks Recreation and Neighborhoods Department, Recreation and Neighborhoods Services Division be re-written to include these changes as well as other housekeeping items, and

WHEREAS, the Citizens Housing and Community Development Committee met on March 28, 2002, and supported the recommended changes to the loan program limits and to the Policy and Procedures Manual,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby increases the maximum loan limits for Emergency Home Repair Program Loans to $15,000 and to $25,000 for combined Emergency Home Repair Program/Disabled Access Assistance Program loans.

BE IT FURTHER RESOLVED that Chapter 12 of the Policy and Procedures Manual for the Parks Recreation and Neighborhoods Department, Recreation and Neighborhoods Services Division is hereby approved as rewritten, as set forth in Exhibit "A", attached hereto and incorporated by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Mike Milich
MICHAEL D. MILICH, City Attorney

PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT
Recreation and Neighborhood Services Division

EQUAL HOUSING OPPORTUNITY

CHAPTER 12
EMERGENCY HOME REPAIR AND DISABLED ACCESS ASSISTANCE PROGRAM

12.1 INTRODUCTION

The City of Modesto Recreation and Neighborhood Services Division administers the Emergency Home Repair Program. The Emergency Home Repair Program was established as a voluntary City-wide program by the City Council in 1980 to assist homeowners outside the established Housing Rehabilitation Target Areas. On January 25, 1994, as part of an amended Final Statement to the Community Development Block Grant Program application, for Fiscal Year 1993-94, the City Council approved the reactivation of the Emergency Home Repair Program.

In order to provide the opportunity to process requests for disabled access assistance faster for disabled clients, effective December 18, 1996, the Housing Rehabilitation Loan Committee approved the combining of the residential property portion of the Handicap Barrier Removal Program with the Emergency Home Repair Program and renamed it Disabled Access Assistance Program – thus, the new combined name for this chapter and for the program. On _____, City Council Resolution _____, the EHRP/DAAP loan limits were revised to a $15,000 maximum for EHRP, $10,000 maximum for DAAP, and $25,000 maximum for combined EHRP/DAAP.

This Community Development Block Grant funded program addresses emergency home repairs and is designed to eliminate critical health and safety hazards in homes and to address disabled access assistance needs for residential properties occupied by disabled individuals or their qualifying dependents who live at the property as their permanent residence. The regular emergency repair assistance program covers repair of hazardous conditions to enable the homeowner to safely reside within the dwelling, while the disabled access assistance program covers repairs to reduce the number of substandard and/or non-disabled accessible residential housing units in the City of Modesto.

12.2 ELIGIBLE REPAIRS UNDER THE EMERGENCY HOME REPAIR PROGRAM

A. Participation in this program is limited to a maximum outstanding Emergency Home Loan Program balance of $15,000 against the owner-occupied property. Eligible program applicants may be granted more than one loan for a property provided the costs for repairs do not exceed the current outstanding loan cap for the property.

B. Emergency Home Repair assistance shall be provided only for conditions, which prevent continued safe occupancy of the property, as defined under the provisions of the Modesto Housing Code. Eligible emergency repairs under the program include, but are not limited to the following:

- Roofing and weatherization
- Heating, plumbing and electrical systems
- Structural integrity of the dwelling
- Other repairs must be pre-approved by the Recreation and Neighborhood Services Division

C. Eligible Applicant Criteria:

1. The applicant shall have legally recorded title to the real property in need of emergency repairs and must reside in the property as their permanent residence.

2. The applicant's total gr oss annual household income shall not exceed 80% of the median area income for Modesto. The median area incomes are established and adjusted annually by the U.S. Department of Housing and Urban Development (HUD).

3. The applicant shall complete a request for assistance form provided by the Recreation and Neighborhood Services Division.

D. Eligible Property Criteria:

1. The real property shall be a single-family residential dwelling or an owner occupied duplex that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.

2. The property shall be located within the incorporated limits of the City of Modesto.

3. The property shall be in need of emergency repair to correct health and safety hazards necessary to allow continued occupancy.

12.3 ELIGIBLE PROJECTS UNDER THE DISABLED ACCESS ASSISTANCE PROGRAM

A. Participation in this program is limited to a maximum outstanding Disabled Access Assistance Program loan cap of $10,000 per residential property. Eligible applicants may be granted more than one loan for a property, provided the costs for all repairs under this program do not exceed the current outstanding loan cap for the property.

B. Eligible projects under the Disabled Access Assistance Program include, but are not limited to the following:

- Installation of plumbing fixtures
- Installation of ramps and handrails
- Widening of doorways
- Alteration or installation of health and sanitary facilities
- Repair of other hazardous conditions that threatens the health and safety of disabled occupants
- Lowering counters

- Other repairs must be pre-approved by the Recreation and Neighborhood Services Division

C. Eligible Applicant Criteria:

1. The applicant shall present verification of the need for Disabled Access Assistance i.e.; note from their doctor or other third party confirmation.

2. The owner-occupant applicant or tenant applicant's income shall not exce ed 80% of the Median Area income for Modesto. The median area incomes are established and adjusted annually by the U.S. Department of Housing and Urban Development (HUD).

3. The owner-occupant applicant shall have legally recorded title to the real property in need of disabled access assistance repairs.

4. The tenant applicant's l andlord shall have legally recorded title to the property in need of disabled access assistance repairs and be willing to sign for the loan for the repairs.

5. The tenant applicant shall be a disabled permanent resident or a qualifying disabled dependent of the tenant of a rental unit whose permanent residence is the unit where the disabled access assistance repairs are to be completed. The tenant applicant shall receive written confirmation from the landlord indicating that he will agree to sign the required loan documents to enable the repairs to be made.

6. The owner -occupied or tenant applicant shall complete a request for assistance form provided by the Recreation and Neighborhood Services Division. In case of a tenant applicant, the tenant shall complete a Request for Assistance form and have it signed by the owner of the property being considered for disabled access assistance repairs.

7. The owner-occupant applicant shall complete and sign a loan application form approved by the City of Modesto.

D. Eligible Property Criteria:

1. The real property shall be a single-family residential dwelling or owner or tenant occupied portion of a duplex that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.

2. The property shall be located within the incorporated limits of the City of Modesto.

3. The real property shall require disabled access assistance repairs to allow continued safe permanent occupancy of the house by the disabled family member of the household.

12.4 ELIGIBLE ITEMS UNDER THE COMBINATION EMERGENCY HOME REPAIR AND DISABLED ACCESS ASSISTANCE PROGRAM

A. Participation in both parts of the program is limited to a maximum outstanding City loan cap of $25,000 for each residential property using the combined programs.

B. Applicants must meet the eligibility criteria for both parts of the program to be eligible for assistance under the combination Emergency Home Repair and Disabled Access Assistance Program as set forth in this chapter under "Applicant Elig ibility Criteria" and "Property Elig ibility Criteria."

C. The repairs under these programs shall not include incipient hazards, neighborhood upgrades, general property improvements.

D. Requests for repairs not specified in these programs may be considered on a case-by-case basis.

Note: Neither temporary relocation nor moving/storage costs shall be paid for by the Recreation and Neighborhood Services Division. The applicant must make arrangements for and pay for these costs. In special hardship cases approved by the Housing Program Supervisor, the costs may be included in the applicant's loan.

12.5 AVAILABLE FINANCIAL ASSISTANCE

A. An eligible borrower may qualify for up to an outstanding City loan cap of $15,000 for each owner-occupied property for regular emergency home repair assistance or an outstanding City loan cap of $25,000 per property for a project requiring a combination of regular emergency home repairs and disabled access assistance repairs to residential properties.

B. The interest rates and terms available for participants in the programs are:

1. **Deferred Payment Loan** – Up to 50-year term, and 3% fixed interest rate. This type of loan is due and payable immediately upon sale or transfer of the legal title to the property to another title holder or if the beneficiary no longer resides in the house. To qualify for this loan the applicant's to tal gross annual household income shall be at or below 50% of the Median Area Income (MAI
2. **Payment Required Loan** – Amortized loan for up to 15 years with fixed interest rate at 3%. This type of loan is due and payable immediately upon sale or transfer of the legal title to the property to another title holder or if the beneficiary no longer resides in the house. To qualify for this level of financial assistance, the applicant's to tal gross annual household income shall be between 50% to 80% of the Median Area Income (MAI) or if the loan is a DAAP loan to a non-owner occupied residence. Owner occupied hardship cases may be reviewed by the Housing Rehabilitation Loan Committee (HRLC) on a case-by-case basis to determine if a DPL is merited.

C. These loans are normally non-assumable and shall be repaid if the applicant no longer resides in the home or transfers title to the home. The Housing Rehabilitation Loan Committee may waive this requirement on a case-by-case basis.

Subordinations are normally not allowed. The Housing Rehabilitation Loan Committee may waive this requirement on a case-by-case basis where extreme hardship can be proven.

12.6 AVAILABLE TECHNICAL ASSISTANCE

Applicants may request assistance with drawing up repair plans, work write-up assistance, cost estimates assistance, project bidding assistance, monitoring repair work during the rehabilitation stage, and ensuring that the project is successfully completed according to the Rehabilitation Specialist's owner-approved work write-up specifications .

12.7. APPLICATION PROCESS

A. When a homeowner requests assistance under the Emergency Homes Repair Program, or Disabled Access Assistance Program, the Housing Financial Specialist shall do a preliminary (verbal) qualification to determine if the household is income eligible and the property occupancy is eligible. If the project is determined to be eligible, then the request will be forwarded to the Housing Program Supervisor. The Housing Program Supervisor will immediately review the case and forward it to the Senior Housing Rehabilitation Specialist for case assignment within the rehab staff.

B. The Housing Rehabilitation Specialist who is assigned the case shall immediately make an appointment with the homeowner to inspect the residence and complete the Emergency Hazard Survey Checklist for Emergency Home Repair/Disabled Access Assistance Program. If the hazardous condition(s) are deemed eligible for the EHRP/DAAP, (1) the homeowner will be given a loan application package to complete (2) the signed Survey Checklist will be given to the Housing Financial Specialist. If the project is not eligible, the Rehab Specialist will notify the Financial Specialist.

After the homeowner has completed the application and compiled the necessary papers, they must contact the Housing Financial Specialist for an interview appointment. The Housing Financial Specialist pre-qualifies the homeowner for the EHRP/DAAP upon verification of allowable household income for eligible household, a clear title report, evidence of current homeowner's insuran ce, satisfactory credit report, and verification of outstanding mortgage loan(s), and other unsecured debt. If pre-qualified, the applicant is instructed that any change to their household income, size, or debts could affect their further eligibility under the program. The homeowner is explained the loan process, fees, and loan types. The case is given back to the Housing Rehabilitation Specialist for further inspection and processing. If the homeowner is deemed ineligible under the EHRP/DAAP, the homeowner is sent a denial letter.

C. During the follow-up visit to the property, the Housing Rehabilitation Specialist shall do the following:

1. Compile the information for the work write-up needed to address the critical emergency and any other eligible repairs and obtain the signed Request for Assistance.

2. Provide a cost estimate to the property owner for the proposed work emphasizing that an exact figure will not be available until written bids have been obtained from contractors.

3. Explain the bid, contract, contract monitoring, and contractor payment procedures to the property owner.

4. Inform the property owner of temporary relocation requirements and procedures and let the Housing Financial Specialist know if a temporary relocation plan shall be required.

5. Inform the property owner about other programs for which he/she may benefit.

6. Explain and obtain property owner's signature on Advance Payment Agreement on any up-front costs that the property owner will be responsible for if the loan does not close. This includes, but is not limited to, Lead Based Paint testing and clearance and termite inspections. Advance payments should not exceed $250 per item, unless special approval is given by the Housing Program Supervisor.

D. Upon returning to the Recreation and Neighborhood Services Division, the Housing Rehabilitation Specialist shall do the following:

1. Prepare a Work Write-up. The WW needs to be reviewed by the Housing Program Supervisor and the homeowner before being posted for bid.

1. Obtain at least two bids for repairs. Property owner can contact contractors and ask them to pick up a bid package from the Recreation and Neighborhood Services office. If two bids for repairs cannot be obtained, the Housing Program Supervisor may waive the requirement.

2. Compare contractor bids to staff in-house cost estimate to ensure the contractor estimates adequately cover all items on the Work Write-up and the costs are reasonable.

3. Have property owner select a contractor from the Bid Certification Document checked "valid" and opposite the bid amount, and complete and sign the contractor selection portion of the form indicating the reason for selecting the particular contractor. (A valid bid is between 85% and 115% of the in house estimate, not exceeding the program limit. Bid may be below 85% of staff estimate if management has sufficient evidence that contractor can complete

work for that bid. This must be approved by the Housing Program Supervisor.)

4. Present approved work write-up, contractor estimates, Bid Selection and Certification document, Environment Review Form, Staff Cost Estimate, completed Contract, and loan submittal form. to the Housing Financial Specialist.

5. The Housing Financial Specialist will update any financial information that is necessary, and complete the Housing Rehabilitation Loan Committee report for the next meeting. The HRLC will recommend to the City Manager to execute the loan agreement, the Housing Financial Specialist shall prepare the applicable loan documents, and forward the signed documents to the City Attorney' s office for review, the City Manager's office for approval and signature, and to the City Clerk for signature. If the loan is declined, the applicant will be notified and will be mailed a denial letter.

6. Upon recording of the Deed of Trust, the Housing Financial Specialist shall forward the Order to Proceed to the Housing Rehabilitation Specialist for the customer to sign and be completed. The Order to Proceed shall be issued to the contractor and he/she shall be instructed to begin repair work per the Order to Proceed date after obtaining the required permits.

7. The loan is booked with our loan servicer and the City's accounting divi sion of the Finance Department.

E. During the project, the following shall occur:

1. The Housing Rehabilitation Specialist is to work with homeowner and contractor to oversee that work begins in a timely manner and is completed in a satisfactory manner, and within the specifications of the contract and bid.

2. All variations of the contract or bid, or any unforeseen problems, are written as a Change Order, and signed by the homeowner, contractor, Housing Rehabilitation Specialist, and approved by the Housing Program Supervisor.

F. Once the project has been completed, the following shall occur:

1. Final inspection by Building Inspector, Housing Rehabilitation Specialist, contractor, and property owner.

2. Sign-off on certificate of completion by the property owner, Housing Rehabilitation Specialist, contractor, and Building Inspector.

3. Obtain completed and signed check request from the contractor, by the Housing Rehabilitation Specialist.

4. Housing Rehabilitation Specialist submits check request to Housing Financial Specialist for processing.

5. Housing Rehabilitation Specialist gives field file to Housing Financial Specialist for combining with Finance file.

6. Housing Financial Specialist retains original of Certificate of Completion for inclusion on Monthly Statistical Report.

7. Housing Financial Specialist files a copy of Certificate of Completion.

8. Housing Financial Specialist closes out account for project.

12.8 SPECIAL PROJECT CONSIDERATIONS

A. In the event, the Housing Rehabilitation Specialist finds the repair work to be satisfactory but the property owner disagrees, the grievance procedures contained in Chapter 9 shall be followed.

B. All monies left over from the client's loan proceeds after all bills are paid shall be applied to reduce the principal balance of the client's loan with in 30 days.

C. Participants in this program shall not be eligible for participation in the Toolbank, insulation rebate or paint rebate programs, unless the home is in a current Target Area.

D. If temporary relocation, temporary storage or temporary moving expenses are required for a project under this program, the expenses may be included in the client's loan, as long as the total amount does n ot exceed the maximum cap for outstanding City loan against the property.

E. The use of funds for addressing disabled access assistance does not imply on the part of the City of Modesto that the project repairs meet ADA requirements.

F. This version of the program supersedes all previous versions.

12.9 EXTREME EMERGENCIES - (Applicable to owner-occupied properties)

A. Whenever any condition constituting an eligible repair exists to such a degree that it poses an immediate threat to life, such condition shall be referred to as an "extreme emergency" and shall be eligible for special procedures. The Deputy Director, Parks, Recreation and Neighborhoods, Recreation and Neighborhoods Division, may authorize the immediate repair of the extreme emergency conditions not to exceed the maximum cap for outstanding City loan against the property. Work for projects under this category of repair shall commence immediately to eliminate the life-threatening or extremely dangerous situation.

B. Proof of ownership of the property, annual income and household size shall be provided to the Housing Financial Specialist before the completion of the Advance Payment Agreement and start of repairs.

12.9 PROGRAM ADMINISTRATION

A. The Housing Rehabilitation Loan Committee (HRLC) shall retain responsibility and oversight for the Emergency Home Repair Program and the Disabled Access Assistance Program for residential properties

B. All loans approved under the Emergency Home Repair Program and the Disabled Access Assistance Program for residential properties shall be submitted to the HRLC for their recommendation to the City Manager to execute any EHRP/DAAP loan agreements.

C. The Recreation and Neighborhood Services Division shall be responsible for the daily administration of the programs, including accepting and processing loan applications; execution of loan papers; determining eligibility of applicants and their property; inspection of their property and determination of eligible repairs; preparation of a work write-ups and cost estimates, assisting applicants in obtaining a contractor; monitoring the repair work; and seeing that disputes of adequacy of work and payments are properly arbitrated.

12.10 UNUSUAL EMERGENCY CASES – (Applies to Owner-Occupied Properties)

Whenever unusual emergency cases occur such as fire damaged properties causing the occupants to become homeless or the situation contributes to an unhealthy or unsafe temporary living environment, the Deputy Director, Parks, Recreation and Neighborhoods Department, Recreation and Neighborhood Services may waive the restriction relating to temporary relocation, temporary moving and temporary storage, and for participation in the paint and insulation programs. These cases may occur when homes are damaged by fire, and the fire insurance policy does not provide money to complete all the repairs to bring the unit up to minimum code requirements or health, safe and sanitary living conditions.

NOTE: Any reference to the gender "he" or "h im" applies to gender "she" or "her".

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-187

A RESOLUTION RECOMMENDING TO THE HOUSING AND URBAN DEVELOPMENT DEPARTMENT THAT HARVEST OF HOPE BE DESIGNATED AS A COMMUNITY BASED DEVELOPMENT ORGANIZATION.

WHEREAS, the Parks, Recreation and Neighborhoods Department has received a request from the Harvest of Hope, a local non-profit, neighborhood based organization, to obtain a Housing and Urban Development (HUD) designation as a Community Based Development Organization (CBDO), and

WHEREAS, according to HUD regulations, the Harvest of Hope is a qualified organization, and

WHEREAS, staff believes that the Harvest of Hope is committed to serving low and moderate income residents of South-West Modesto, and

WHEREAS, the Citizens Housing and Community Development Committee met on March 28, 2002, and supported the recommendation to seek CBDO designation for Harvest of Hope,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby recommends to the Housing and Urban Development Department that Harvest of Hope be authorized as a Community Based Development Organization.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-188

A RESOLUTION ACCEPTING THE REGIONAL SPORTS FACILITY STUDY FINAL DRAFT ACTION PLAN REPORT AND DIRECTING STAFF TO USE THIS STUDY WHEN PLANNING FUTURE SPORTS FACILITIES IN MODESTO

WHEREAS, due to the recent increase in youth and adult sports organizations in the area, staff and officials from the City of Modesto and Stanislaus County hypothesized that a shared network of facilities would be valuable, and

WHEREAS, on December 7, 1999, the City Council approved a contract with the Beals Group, Inc, to complete a Regional Sports Facility Study, and

WHEREAS, the Final Draft Action Plan Report (Draft) has been completed, and

WHEREAS, prior to preparation of the Final Action Plan Report, City Council acceptance of the Draft is needed, and

WHEREAS, the Human Services Committee has received regular updates and took action on April 4, 2001 and November 26, 2001 to increase public involvement in the process, and,

WHEREAS, a joint community workshop was held on March 25, 2002, at which the Draft was presented to the Modesto City Council, the Stanislaus County Board of Supervisors and the public.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts the Regional Sports Facility Study Final Draft Action Plan Report.

BE IT FURTHER RESOLVED that staff is directed to use this report for future planning of sports facilities in Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-189

Print

A RESOLUTION APPROVING THE APPLICATION FOR $35,750 IN LAND AND WATER CONSERVATION FUNDS FOR THE CREEKWOOD NEIGHBORHOOD PARK PICNIC SHELTER PROJECT

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a Federal Land and Water Conservation Fund Grant-in-Aid Program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes, and

WHEREAS, the State Department of Parks and Recreation is responsible for administration of the program in the state, setting up necessary rules and procedures governing application by local agencies under the program, and

WHEREAS, said adopted procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications and the availability of local matching funds prior to submission of said application to the state, and

WHEREAS, the proposed Creekwood Neighborhood Park Picnic Shelter Project is consistent with the Statewide Comprehensive Recreation Resources Plan: California Outdoor Recreation Plan 1994, and,

WHEREAS, the project must be compatible with the land use plans of those jurisdictions immediately surrounding the project, and

WHEREAS, the Human Services Committee met on April 11, 2002, and supported submission of the grant application,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby:

1. Approves the filing of an application for Land and Water Conservation Fund assistance in the amount of $35,750 and
2. Certifies that said agency has matching funds from the following source: Capital Facilities Fees-Parks, and can finance 100 percent of the project, half of which will be reimbursed; and
3. Appoints the City Manager as agent of the city to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-190

A RESOLUTION APPROVING A REQUEST FROM THE JUNETEENTH CELEBRATION COMMITTEE FOR $4,750 IN DIRECT CITY ASSISTANCE FOR THE 2002 JUNETEENTH CELEBRATION TO BE HELD AT MELLIS PARK AND KING-KENNEDY MEMORIAL CENTER ON JUNE 13, 14 AND 15, 2002.

WHEREAS, Juneteenth is a celebration of the day African-Americans gained their freedom from physical slavery, and

WHEREAS, the purpose of the event is to promote cultural awareness to the community, and

WHEREAS, the City has co-sponsored this event for a number of years, and

WHEREAS, the request for City assistance is for a cash contribution of $4,750 to assist with funding for new components of the event to include African dance, increased youth activities, a keynote speaker and a Buffalo Soldiers reenactment group, and

WHEREAS, the City Council, by Resolution No. 80-1066, as amended by Resolution No. 83-128, adopted a "policy for Evaluating Requests for Direct City Assistance", and

WHEREAS, at its April 11, 2002 meeting, the Human Services Committee supported awarding direct City assistance in the sum of $4,750 to the event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the request from the Juneteenth Celebration Committee for $4,750 in direct City assistance for the 2002 Juneteenth Celebration to be held at Mellis Park and King-Kennedy Memorial Center on June 13, 14 and 15, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-191

A RESOLUTION AMENDING THE BUDGET TO TRANSFER $4,750 FROM THE GENERAL FUND RESERVE TO PROVIDE DIRECT CITY ASSISTANCE TO THE 2002 JUNETEENTH CELEBRATION.

WHEREAS, Juneteenth is a celebration of the day African-Americans gained their freedom from physical slavery, and

WHEREAS, a request for direct City assistance in the sum of $4,750 was made by the King-Kennedy Board of Directors by letter dated march 2, 2002, and

WHEREAS, at its April 11, 2002 meeting, the Human Services Committee supported awarding direct City assistance in the sum of $4,750 to the event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2001-02 operating budget is hereby amended to transfer $4,750 from the General Fund Reserve, 0100-800-8000-8003, to King-Kennedy Memorial Center, Services Professional & Other, 0100-370-3731-0235, to provide direct City assistance for the 2002 Juneteenth celebration.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-192

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 CAPITAL IMPROVEMENT BUDGET ACCEPTING A FEDERAL HAZARD ELIMINATION SAFETY GRANT FOR $187,00 AND CREATING A NEW CAPITAL IMPROVEMENT PROJECT, ENTITLED "ROADWAY ILLUMINATION AT 29 INTERSECTIONS"

WHEREAS, the City was awarded a grant of $187,000 from a Hazard Elimination Safety grant for street illumination, and

WHEREAS, said funds can be utilized for the installation of streetlights at twenty-nine (29) intersections within the City of Modesto, thereby enhancing safety for both pedestrians and motorists,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2001-02 Capital Improvement Plan budget accepting a Federal Hazard Elimination Safety grant for $187,000, and creating a new Capital Improvement Project entitled "Roadway Illumination at 29 Intersections."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-192A

A RESOLUTION ACCEPTING TWO FEDERAL HAZARD ELIMINATION SAFETY GRANTS FOR $282,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE NECESSARY GRANT DOCUMENTS

WHEREAS, the City has recently received notice that it was awarded grants for $95,000 for the installation of streetlights in the McHenry Village area and $187,000 for installation of streetlights at 29 intersections within the City of Modesto as set forth in Exhibit "A" attached hereto, and

WHEREAS, these grants will be used to illuminate residential streets in dark neighborhoods, thereby enhancing safety for both pedestrians and motorists,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Federal Hazard Elimination Safety grants in the amount of $95,000 and $187,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents for said projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

HAZARD ELIMINATION SAFETY PROGRAM (HES)
INTERSECTIONS

Roadway Illumination at 29 Intersections:

1. Brighton Avenue and Irons Court
2. 10th Street and Morton Boulevard
3. 11th Street and Morton Boulevard
4. 12th Street and Morton Boulevard
5. Bridgeford Lane and Hastings Lane
6. Bridgeford Lane and Durham Lane
7. Durham Lane and Weymouth Lane
8. Hastings Lane and Weymouth Lane
9. Bridgeford Lane and Harrow Court
10. Bridgeford Lane and Greenwich Lane
11. Doncaster Lane and Greenwich Lane
12. Doncaster Lane and Robinhood Drive
13. Parkwood Drive and Heartwood Way
14. Westwood Avenue and Ruby Lane
15. Westwood Avenue and Opal Avenue
16. Roseburg Avenue and Grinnell Street
17. Dawn Drive and Collier Avenue
18. Dawn Drive and Trombetta Avenue
19. Northbound Sycamore Avenue at Griswold Avenue
20. El Vista Avenue and Glendale Avenue
21. El Vista and Hadden
22. El Vista and Roble
23. El Vista and Moran
24. El Vista and Ada
25. El Vista and Ellis
26. El Vista and Lambert
27. El Vista and Carol
28. El Vista and Edgebrook
29. El Vista and Edgebrook Drive South

Roadway Illumination McHenry Village Area (5 streets):

1. Honeysuckle Drive
2. Gardenia Road
3. Cameo Way
4. Dixie Lane
5. E. Granger Avenue from Honeysuckle Drive to Sunrise Avenue

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-193

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 CAPITAL IMPROVEMENT BUDGET ACCEPTING A FEDERAL HAZARD ELIMINATION SAFETY GRANT FOR $95,00 AND CREATING A NEW CAPITAL IMPROVEMENT PROJECT, ENTITLED "ROADWAY ILLUMINATION IN THE MCHENRY VILLAGE AREA (FIVE INTERSECTIONS)"

WHEREAS, the City was awarded a grant of $95,000 from a Hazard Elimination Safety grant for street illumination, and

WHEREAS, said funds can be utilized for the installation of streetlights at five (5) intersections in the McHenry Village area, thereby enhancing safety for both pedestrians and motorists,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2001-02 Capital Improvement Plan budget accepting a Federal Hazard Elimination Safety grant for $95,000, and create a new Capital Improvement Project entitled "Roadway Illumination in the McHenry Village Area (Five Intersections)."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-194

A RESOLUTION ACCEPTING THE PROJECT TITLED "SISK ROAD RECYCLE – BRIGGSMORE AVENUE TO DALE ROAD" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Sisk Road Recycle – Briggsmore Avenue to Dale Road, has been completed by George Reed, Inc., in accordance with the contract agreement dated August 9, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Sisk Road Recycle – Briggsmore Avenue to Dale Road project be accepted from said contractor, George Reed, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,700,853.75 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

RESCINDED
Print
5-28-02
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2002-259

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-195

A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935, adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Street and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Street and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in the annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by the Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 2002-03.

2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6 and that the existing improvements to be made in said assessment district are generally described as follows:

   The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

   a. Street medians in Creekwood Drive
   b. Areas adjacent to the access control walls along Creekwood Drive
   c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lost and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Tuesday, the 18th day of June, 2002, at the hour of 5:15 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

   The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

   The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

RESCINDED

Print

5-28-02

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2003-360

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-196

A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISION NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISION UNITS NO. 1 & 2.

WHEREAS, Resolution No. 89-460 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units No. 1 & 2, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 2002-03.

2. There are no proposed new improvements or any substantial changes in the existing improvements within the existing Landscape Maintenance Assessment District No. 2, and the existing improvements to be made in said assessment district are generally described as follows:

   The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

   a. Street medians in Creekwood Drive
   b. Areas adjacent to the access control walls along Creekwood Drive
   c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Tuesday, the 18th day of June, 2002, at the hour of 5:15 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution shall follow the procedural and substantive requirements of Proposition 218 pursuant to Article 13D, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)
APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-197

A RESOLUTION ACCEPTING IMPROVEMENTS IN MILLBROOK ESTATES UNIT NO. 3 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Bright Development, a California Corporation, subdividers of Millbrook Estates Unit No. 3 subdivision, have filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $729,207 and $364,603, respectively, and

WHEREAS, Bright Development, a California Corporation, has filed a warranty bond in the amount of $72,920 to guarantee improvements in Millbrook Estates Unit No. 3 subdivision, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:

1. The improvements in Millbrook Estates Unit No. 3 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $729,207 upon recordation of the notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $364,603 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $72,920 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-198

A RESOLUTION AUTHORIZING THE PURCHASE OF A PIERCE 105 FOOT AERIAL LADDER TRUCK FROM GOLDEN STATE FIRE APPARATUS FOR A TOTAL COST OF $631,177.09 AND AUTHORIZING THE SALE OR TRADE-IN OF A 1991 LTI TILLER (CITY IDENTIFICATION #85055) FOR NO LESS THAN $84,000.

WHEREAS, in the interests of firefighter and public safety, the Fire Department is required to evaluate the mechanical stability of each of its ladder trucks each year, and

WHEREAS, a technical evaluation of the City's fire apparatus was conducted by Underwriter's Laboratories, with the truck manufacturers and the National Fire Protection Association establishing the standards, and

WHEREAS, subsequent to the evaluation, staff determined that the "all-wheel" steering technology best serves the Fire Department's needs, and

WHEREAS, only Pierce Fire Apparatus offers the "all-wheel" steering technology, and

WHEREAS, the department desires to purchase a 2002 Pierce, 105 foot aerial ladder truck from Golden State Fire Apparatus at a cost of $631,177.09, and

WHEREAS, Modesto Municipal Code Section 8-3.203(d) provides for the purchase of products based solely upon technical evaluation, and

WHEREAS, Modesto Municipal Code Section 8-3.203(b) provides an exemption to the formal bidding requirements for a purchase that can be met solely by a single patented article or process ("all-wheel" steering), and

WHEREAS, at the time of delivery of the new Pierce aerial ladder truck, the City desires to either sell or trade-in a 1991 LTI Tiller aerial ladder truck (I.D. number 85055), for a minimum of $84,000, and

WHEREAS, the purchase of a new aerial ladder truck was presented to the Public Safety Committee at its meeting on February 7, 2002, and support for the purchase was recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of a Pierce 105 foot aerial ladder truck from Golden State Fire Apparatus, at a price not to exceed $631,177.09.

BE IT FURTHER RESOLVED that upon delivery of the new Pierce 105 foot aerial ladder truck, the Council hereby authorizes either the sale or trade-in of a 1991 LTI Tiller ladder truck (I.D. number 85055) at a price not less than $84,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By: Michael D. Milich
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-199

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 OPERATING BUDGET TO TRANSFER $208,178 FROM FIRE ABS SAVINGS INTO THE FLEET FUND DESIGNATED FOR FIRE LADDER TRUCK PURCHASE.

WHEREAS, THE City Council desires to purchase a new Fire Ladder Truck for use in the Fire Department;

NOW, THEREFORE, BE IT RESOLVED BY THE council of the City of Modesto that the Fiscal Year 2001-02 Operating Budget is hereby amended as follows:

	Account	Current Budget	Adjustment	Revised Budget
Fire Engine Pumper	7210-480-5814-5882	339,000	208,178	547,178
Transfer In to Fleet Fund	7210-700-7000-9010	681,000	208,178	889,178
Transfer Out of General Fund	0100-700-7000-7721	681,000	208,178	889,178
Fire ABS Savings	0100-180-1802-8099	510,000	(208,178)	301,822

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

AMENDED on [illegible] By Resolution 2011-104

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-200

A RESOLUTION AMENDING FILING FEES FOR CONDITIONAL USE PERMITS, RESTATING FILING FEES FOR ZONE BOUNDARY CHANGES, VARIANCES, ENVIRONMENTAL REVIEW, SUBDIVISIONS, AND OTHER APPLICATIONS, AND RESCINDING RESOLUTION NO. 93-587.

WHEREAS, Sections 10-2.1704, 10-2.2506, 10-2.2605, 10-2.2703 and 10-2.2803 of the Modesto Municipal Code provide that the Council by resolution, shall establish filing fees for each application filed pursuant to Chapter 2 of Title 10 of said Code, and

WHEREAS, the current fee structure for conditional use permits does not address the difference between residential and commercial or other, and

WHEREAS, City staff is recommending a new structure for conditional use permits for residential use, and

WHEREAS, the Community Development and Housing Committee met on March 20, 2002, and supported staff recommendation, and

WHEREAS, by an agenda report to the City Council from the City Manager's Office dated April 16, 2002, City staff recommended the changes as outlined in the report, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on April 23, 2002, in the Tenth Street Place Chambers located at 1010 10 th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amended fees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the fee schedule as set forth on Exhibit "A" attached hereto and incorporated hereby reference.

BE IT FURTHER RESOLVED that the criteria to exempt certain projects from State Department of Fish and Game Filing Fees is set forth on Exhibit "B" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that Resolution No. 93-587 is hereby rescinded effective May 14, 2002.

BE IT FURTHER RESOLVED that this resolution shall go into effect and be in full force and operation on and after May 15, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

(a)	P-D Zoning	$1,105.00
(b)	Amend P-D Zone pursuant to Sec. 10-2.1709(b)	$1,105.00
(c)	Amend P-D Zone pursuant to Sec. 10-2.1709(a)	$795.00
(d)	Rezoning	$1,000.00
(e)	Plot Plan Review	
	• For a satellite antenna for a single-family house	$135.00
	• For a second-story addition to a single-family house	$230.00
	• All other plot plan reviews	$550.00
(f)	Conditional Use Permit	$795.00
	• Residential	$205.00
(g)	Variance	
	• On a lot with a single family house in the R-A, R-1, R-2 or R-3 zone	$205.00
	• All others	$845.00
(h)	Administrative Approval of Revised Plans	20% of Application Fee
(i)	Letter of Verification - Zoning	$30.00
(j)	Precise Plan	$1,590.00
(k)	Development Agreement	$940.00
	• If done in conjunction with Precise Plan	$865.00
(l)	Tentative Subdivision Map	$730.00
(m)	Tentative Parcel Map	$660.00
(n)	Reversion to Acreage	$555.00
(o)	Parcel Map Waiver	$555.00
(p)	Lot Line Adjustment	$140.00
(q)	Time Extension	$125.00

(r)	Environmental Assessment	
	• Initial study	
	1. City Processing Fee	$485.00
	2. County Clerk-Recorder Administrative Fee	$50.00
	3. State Department of Fish and Game Filing Fee	$1,250.00
	• Environmental Impact Report	
	1. Reimbursement of Consultant Costs	Actual Cost of Consultant Contract
	2. City Processing Costs	Actual Staff Costs (initial deposit of $3000 required)
	3. State Department of Fish and Game Filing Fee	$850.00
	• Staff evaluation of special studies	$475.00
(s)	Appeals	
	• Of Planning Commission of Board of Zoning Adjustment	$100.00
	• Of administrative decisions	$100.00
(t)	Annexation	$540.00 plus State Board of Equalization Fee
(u)	Documents	
	• Planning Commission Minutes	$30.00/year
	• Planning Commission Agendas	$46.00/year
	• Board of Zoning Adjustment Minutes	$20.00/year
	• Board of Zoning Adjustment Agendas	$20.00/year
	• Other Reports and Documents, as Established by the Planning and Community Development Director from time to time	
(v)	General Plan Amendment	Actual Cost $3000 Deposit

EXHIBIT "B"

Criteria for Exemption of
State Department of Fish and Game Filing Fees

The City of Modesto has determined that the following projects are exempt from payment of the State Department of Fish and Game Filing Fees:

1. Projects which enhance fish and wildlife, and their habitats and result in no accompanying adverse impacts to fish and wildlife.

2. Lot line adjustments.

3. Building remodeling.

4. Annexations.

5. Redevelopment on existing urban subdivisions with no wildlife habitat.

6. Infill of undeveloped urban lots which are within the current sewer service area and outside the current 100 year floodplain as defined by the Federal Emergency Management Agency (FEMA).

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-201

A RESOLUTION DECLARING FOUR (4) PARCELS AS EXCESS LAND TO CITY'S NEEDS AND AUTHORIZING THE CITY MANAGER TO TAKE ALL APPROPRIATE ACTIONS TO COMPLETE THE SALE OF SAID PARCELS.

WHEREAS, the City of Modesto currently owns four (4) parcels of land which are listed and depicted in "EXHIBIT A" which is attached hereto and made a part herein by this reference, and

WHEREAS, said parcels are excess to the City's needs, and

WHEREAS, if the City retains these parcels, they will need to be maintained by the City at City expense, and

WHEREAS, the Community Development and Housing Committee reviewed and supported this recommendation at its meeting on April 15, 2002, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that the four (4) parcels listed in "Exhibit A" are excess properties to the City's needs.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to take appropriate actions and execute all required documents to complete the sale and transfer of said parcels to qualified buyers in accordance with the Government Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Stanislaus, CA , 2001-2002 - 035-28-02-000, Sheet: 1 of 1

EXHIBIT A

SCALE IS 1/10 OF AN INCH

PORTION N.W. 1/4 SEC. 34 T. 3 S. R. 9 E. M. D. B. & M.

MODESTO COLONY BLOCK 4 LOTS 3,4 & S.E. PORTION LOT 2

THIS MAP FOR ASSESSMENT PURPOSES ONLY

80 20 35-28

1" = 100'

26

29

27

05 PAGE CT.

60 FT.

KERR AVE.

EMPIRE AVE.

M. & E. T. R. R. 40 FT.

0.6 AC.±

2.15 Ac.±

2.45 Ac.±

466.6M'

466.6M'

7 2.8 AC.

6 1 AC.

5 0.8 AC.

4 0.9 AC.

3.

4.

MONO DRIVE 60 FT.

35

32

FROM F-87.
ABE-66-69
Maps V.1 Pg.33
FEB. 10, 1984

65, 74

35-28

Stanislaus, CA , 2001-2002 - 115-07-16-000, Sheet: 1 of 1

EXHIBIT A

PORTION SE 1/4 SECTION 19 T.3 S. R.9 E. M.D.B.& M.
COLLEGE GARDENS - BLKS. 916, 918

002 003 115 - 07

THIS MAP FOR ASSESSMENT PURPOSES ONLY

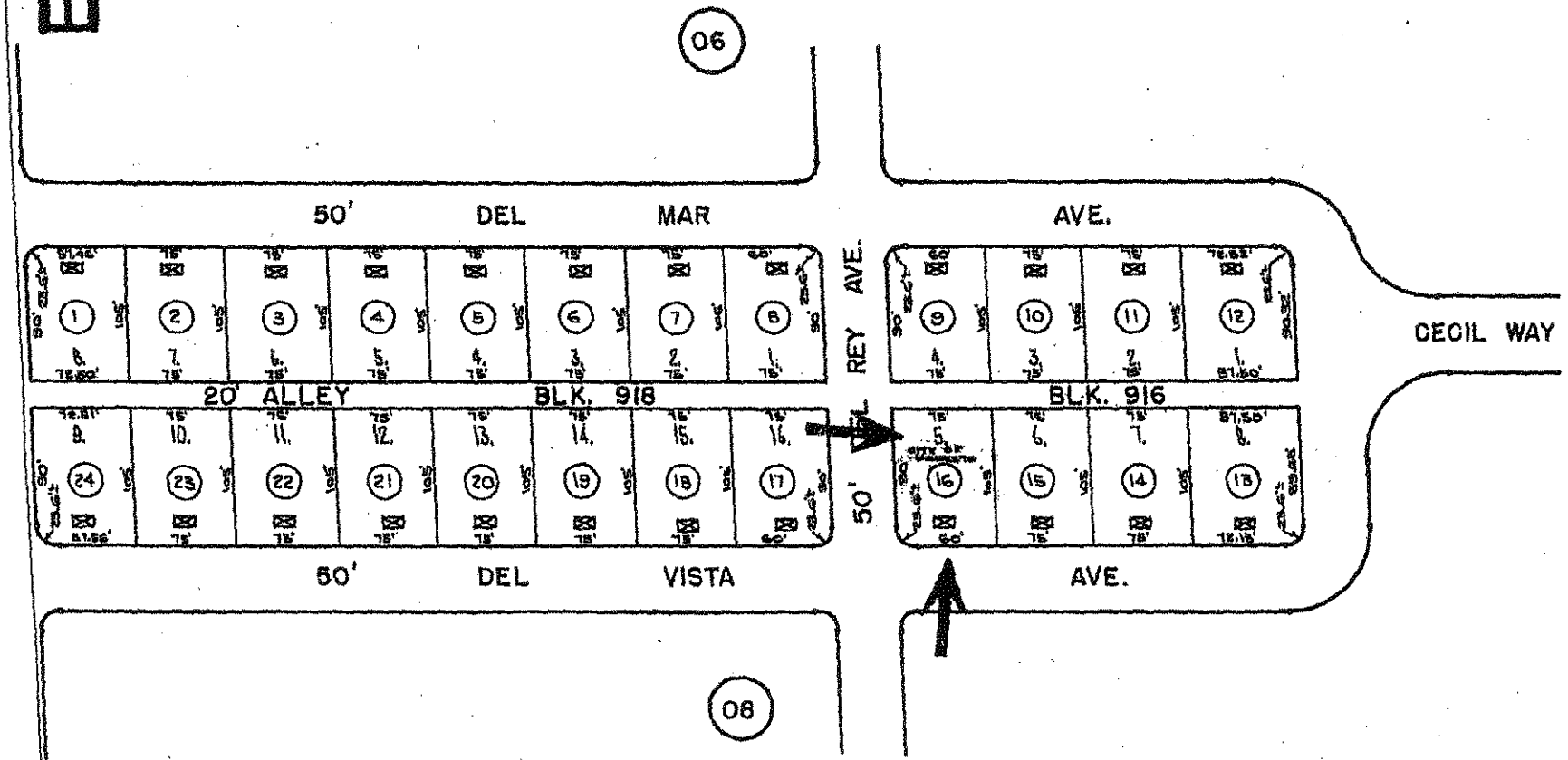


EXHIBIT A

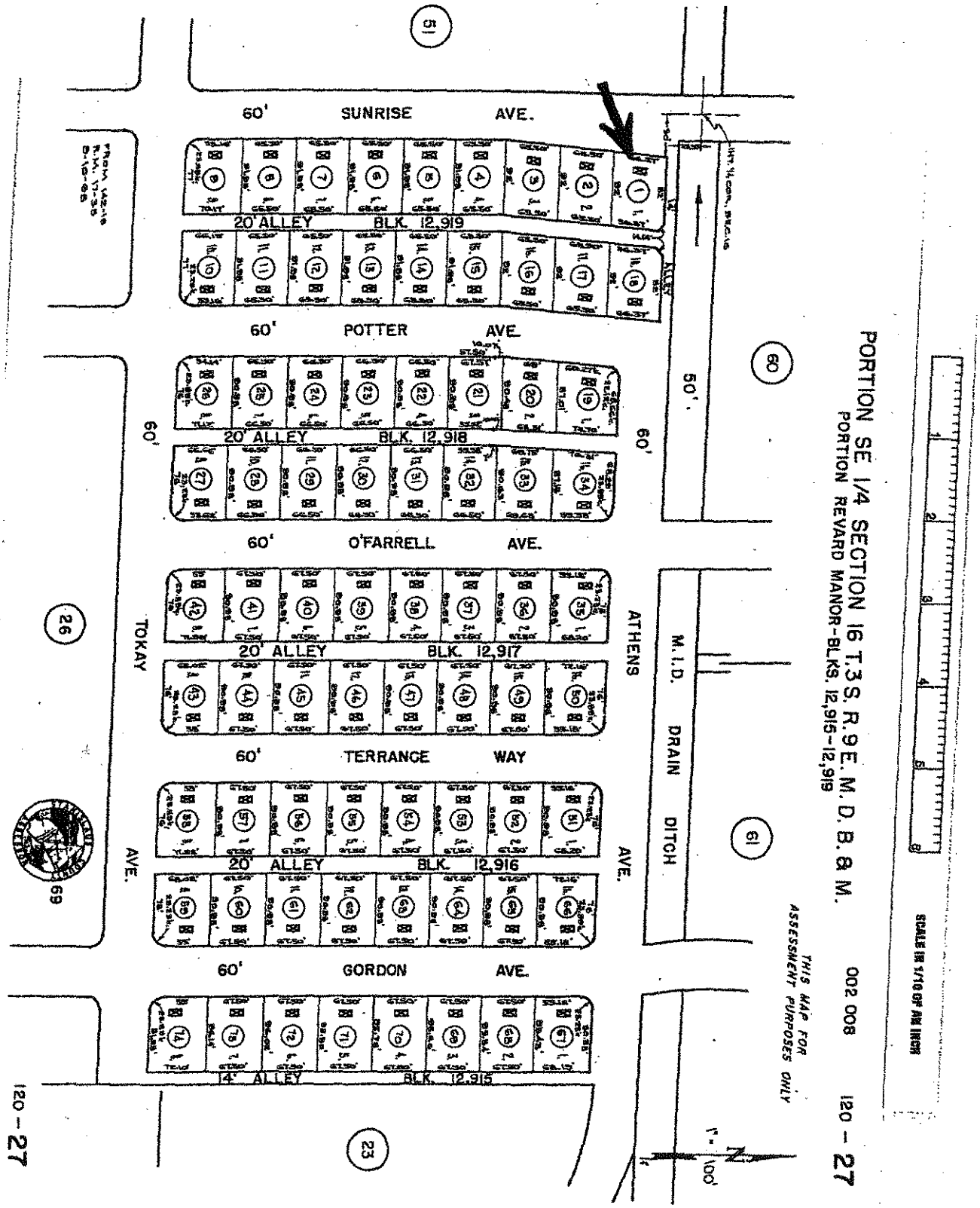
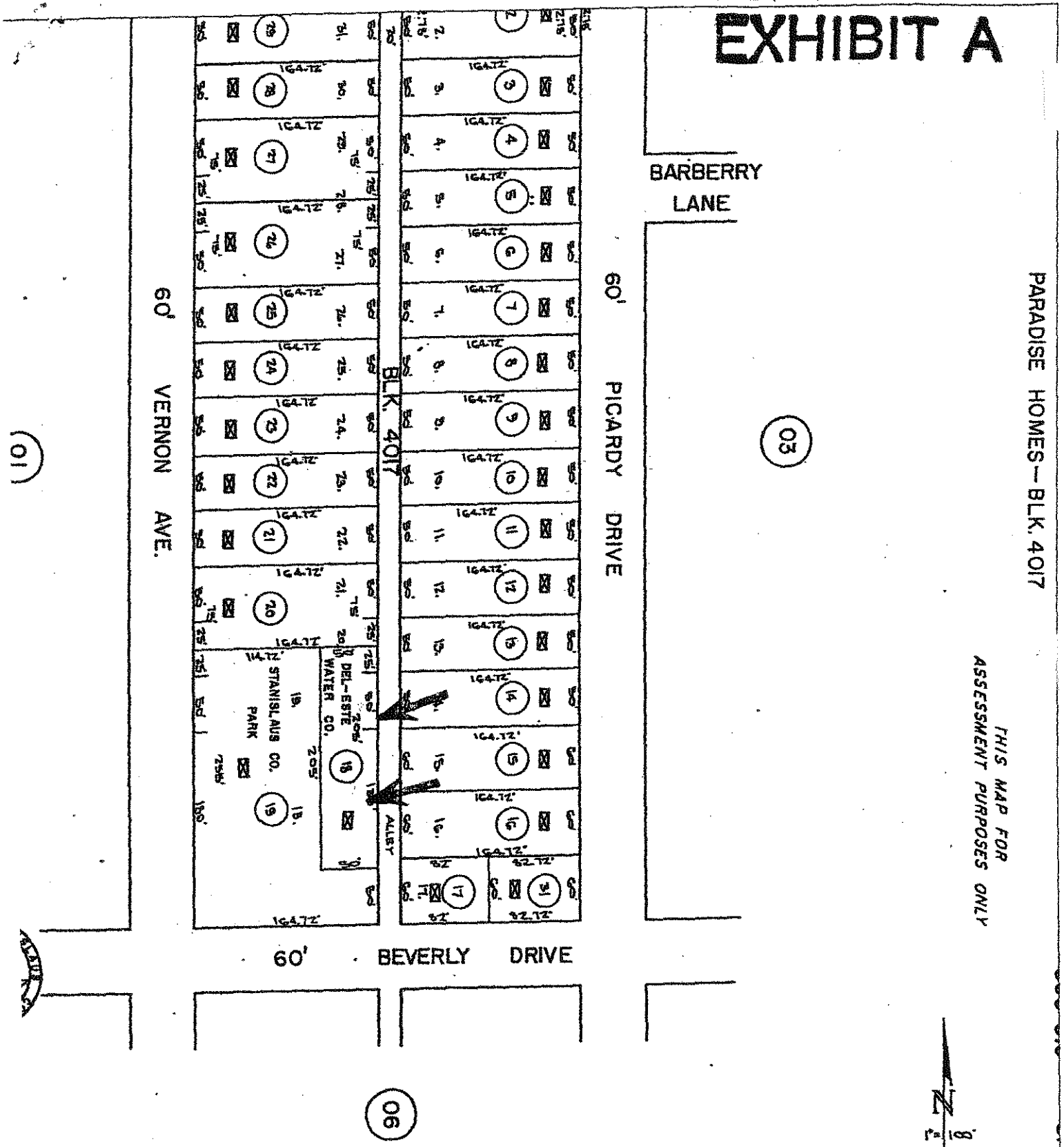

PORTION SE 1/4 SECTION 16 T.3 S. R.9 E. M. D. B. & M.
PORTION REVARD MANOR-BLKS. 12,915-12,919
002 008
120 - 27
SCALE IN 1/10 OF AN INCH
THIS MAP FOR ASSESSMENT PURPOSES ONLY
60' SUNRISE AVE.
20' ALLEY BLK. 12,919
60' POTTER AVE.
20' ALLEY BLK. 12,918
60' O'FARRELL AVE.
20' ALLEY BLK. 12,917
60' TERRANCE WAY
20' ALLEY BLK. 12,916
60' GORDON AVE.
14' ALLEY BLK. 12,915
50'
60'
TOKAY AVE.
ATHENS AVE.
M.I.D. DRAIN DITCH
51
60
61
26
69
23
120 - 27

EXHIBIT A


PARADISE HOMES — BLK. 401?
THIS MAP FOR ASSESSMENT PURPOSES ONLY
BARBERRY LANE
60' PICARDY DRIVE
60' VERNON AVE.
60' BEVERLY DRIVE
BLK. 401?
ALLEY
DEL-ESTE WATER CO.
STANISLAUS CO. PARK
01
03
06

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-202

A RESOLUTION AUTHORIZING THE CONTRACT WITH PMZ REAL ESTATE FOR PROFESSIONAL REAL ESTATE SERVICES TO MANAGE THE SALE OF FOUR (4) PARCELS WHICH HAVE BEEN DECLARED TO BE EXCESS LAND BY THE CITY.

WHEREAS, the City of Modesto currently owns four (4) parcels of land which are listed and depicted in "EXHIBIT A" which is attached hereto and made a part herein by this reference, and

WHEREAS, said parcels have been declared by the City Council of the City of Modesto to be excess to the City's needs, and

WHEREAS, if the City retains these parcels, they will need to be maintained by the City, and

WHEREAS, City staff has solicited and received three (3) proposals from local real estate professionals to perform the necessary tasks to market and sell said parcels which tasks would include, but would not be limited to: appraising the parcels; listing and marketing the parcels for sale; negotiating with potential buyers, managing escrow accounts and providing required legal documents to complete the sales, and

WHEREAS, after reviewing said real estate proposals, City staff has recommended Richard Rand, PMZ Real Estate, as the most reasonable and lowest cost provider for said professional services, and

WHEREAS, the Community Development and Housing Committee reviewed and supported this recommendation at its meeting on April 15, 2002.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the contract with PMZ Real Estate to manage the appraisal, marketing and sale of said parcels by public bid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Stanislaus, CA , 2001-2002 - 035-28-02-000, Sheet 1 of 1

EXHIBIT A

SCALE IN 1/10 OF AN INCH

PORTION N.W. 1/4 SEC. 34 T. 3 S. R. 9 E. M. D. B. & M.

MODESTO COLONY BLOCK 4 LOTS 3,4 & S.E. PORTION LOT 2

THIS MAP FOR ASSESSMENT PURPOSES ONLY

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60 FT.

M. & E. T. R. R. 40 FT.

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466.69'

2.5 AC.

1 AC.

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3.

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MONO DRIVE 60 FT.

FROM F-37.
—ABE-60-69—
Maps V.J Pg.33
FEB. 10, 1984
UPDATED 2-22-85

35

32

65, 74

35-28

Stanislaus, CA , 2001-2002 - 115-07-16-000, Sheet: 1 of 1

EXHIBIT A

PORTION SE 1/4 SECTION 19 T.3 S. R.9 E. M.D.B.& M.

COLLEGE GARDENS – BLKS. 916, 918

002 003 115 – 07

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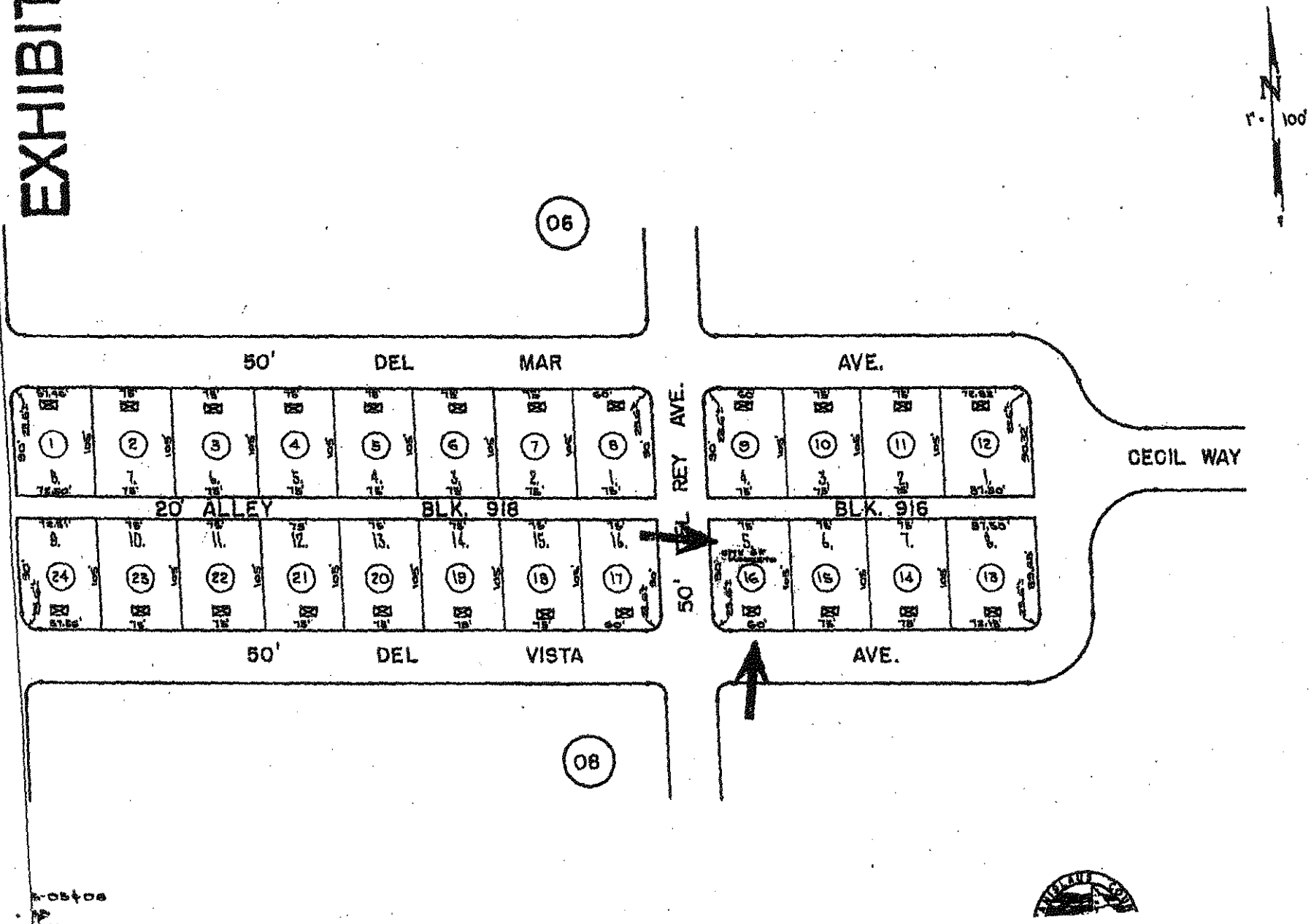

EXHIBIT A

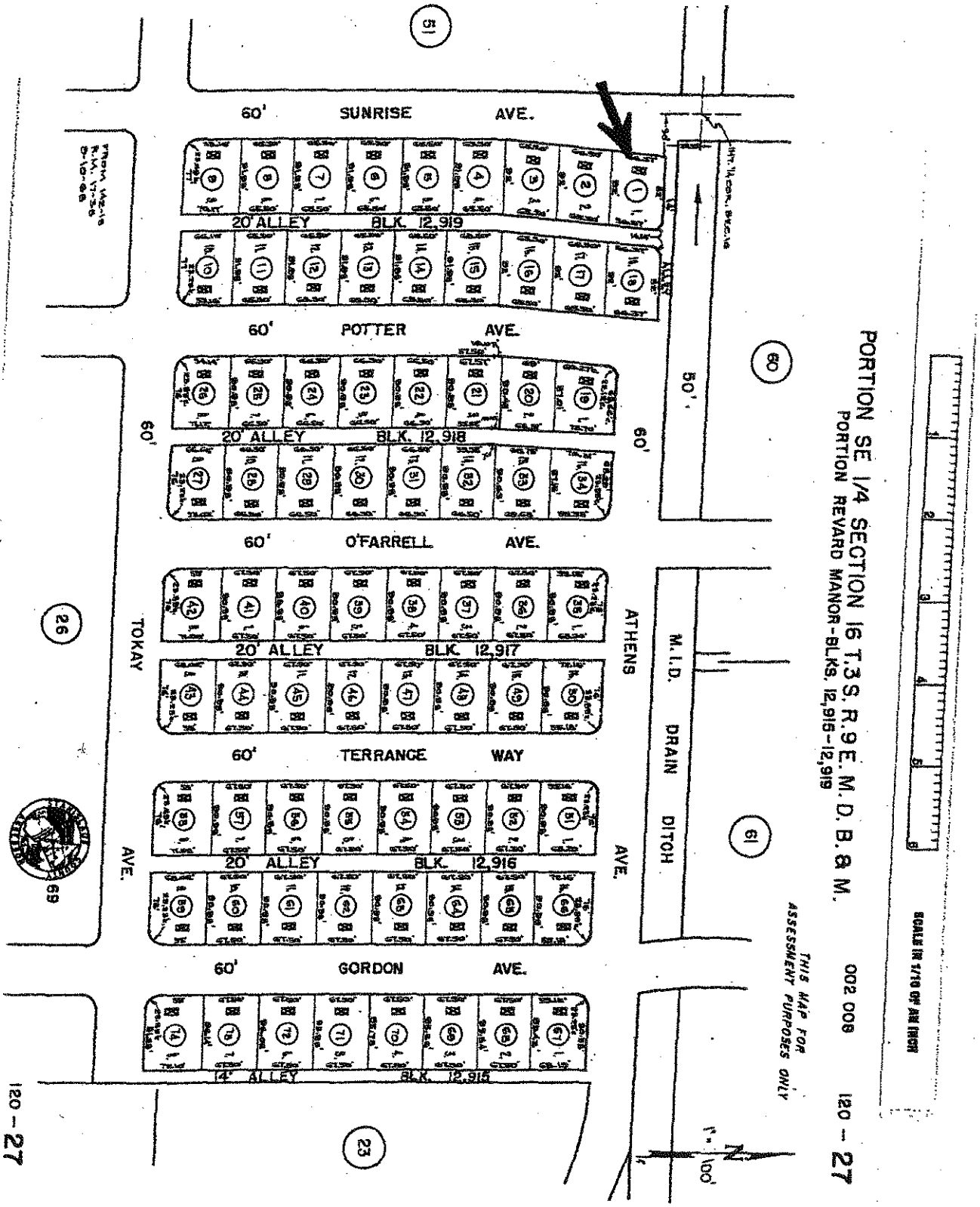
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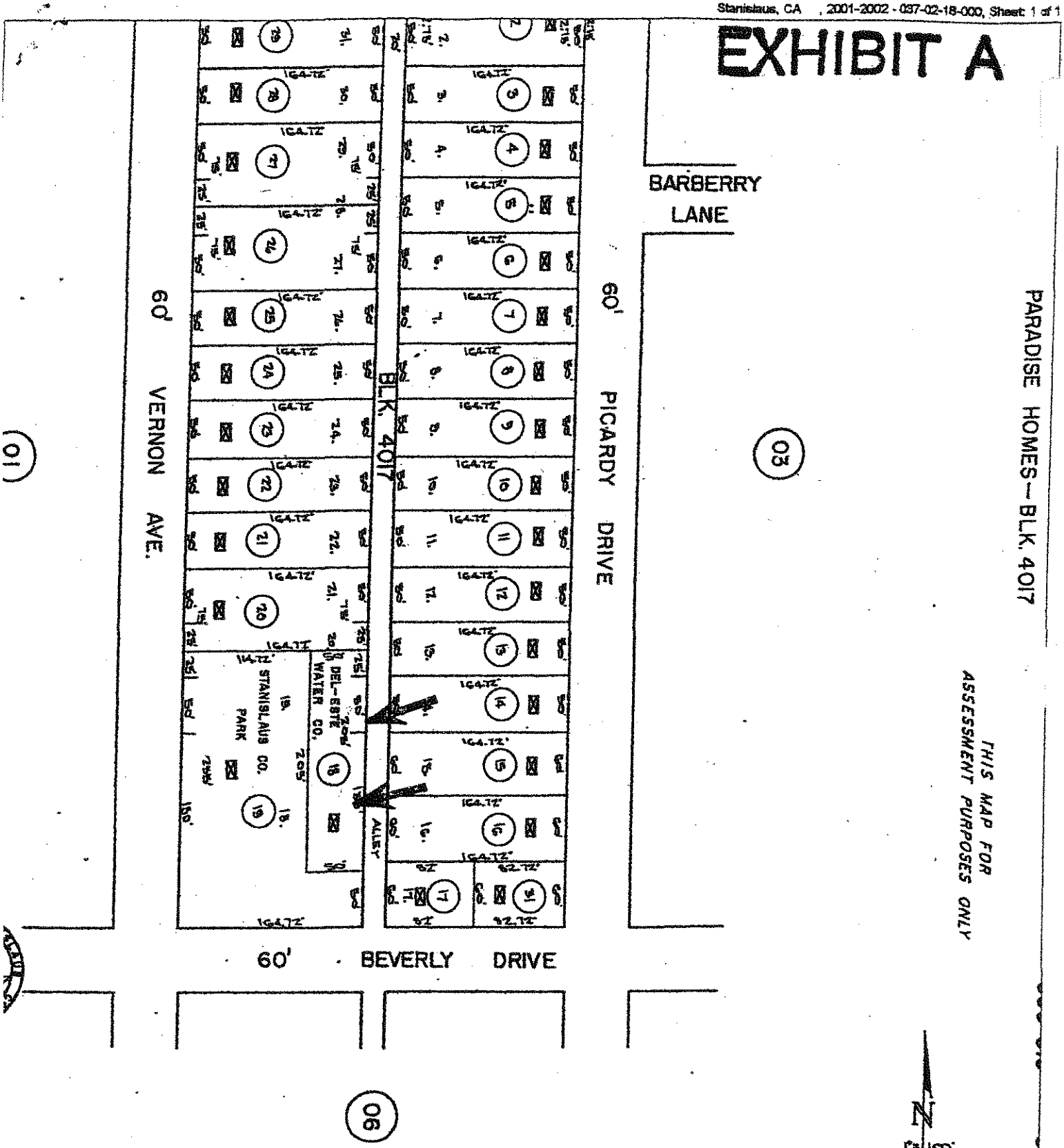
EXHIBIT A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BLK. 401
01
03
06
STANISLAUS CO. PARK
DEL-ESTE WATER CO.
ALLEY
N

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-203

Print

A RESOLUTION APPROVING REIMBURSEMENT OF $183,489.79 TO WESTERN PACIFIC HOUSING FOR IMPROVEMENTS INSTALLED IN COMMUNICTY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER)

WHEREAS, the Community Facilities District Administrator of the City is required to deny reimbursement for facilities provided by developers which are otherwise CFD reimbursable in circumstances where the developer does not enter into a written agreement with the Community Facilities District Administrator prior to construction of the otherwise reimbursable facilities, and

WHEREAS, Western Pacific Housing did provide certain CFD reimbursable facilities, in the amount of $183,489.79, in the Carver-Bangs/Pelandale-Snyder Community Facilities District No. 1998-2 without first entering into a written agreement with the Community Facilities District Administrator, and

WHEREAS, Western Pacific Housing had actual knowledge of the legal requirement that it procure a written agreement, in the nature of a public works contract, and that it receive a Notice To Proceed from the District Administrator prior to commencement of construction of the subject facilities, and

WHEREAS, it is the view of the City Council that Western Pacific Housing should be reimbursed, in full, for the facilities it installed absent a written agreement or a Notice To Proceed.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto determines that the District Administrator's determination, in accordance with law, that Western Pacific Housing should receive nothing for the facilities provided by it in the Carver-Bangs/Pelandale-Snyder Community Facilities District Administrator is hereby overruled, and Western Pacific Housing shall be awarded $183,489.79, the amount of reimbursement to which it would have been entitled had it entered into a written agreement with the Community Facilities District Administrator.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-204

RESOLUTION APPROVING AN AGREEMENT WITH KRAMER.FIRM, INC. FOR PROFESSIONAL CABLE CONSULTATION SERVICES IN AN AMOUNT NOT TO EXCEED $55,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, on February 27, 2002 the Cable Television Franchisee, AT&T Broadband, notified the City via filing of a Form 394 of its intent to merge with Comcast Corporation to form a new corporation: AT&T Comcast, and

WHEREAS, under the terms of the Cable Franchise, transfer of the Franchise to the new corporation requires City Council approval, and

WHEREAS, Federal Regulations provide for a 30-day comment window during which local agencies can respond to the Form 394 transfer document to request additional information or to render an assessment of its completeness, and

WHEREAS, on March 25, 2002, the City responded to the Form 394 requesting additional information, assessing the Form 394 as incomplete, and asserting a transfer determination could not be made until additional information was obtained, and

WHEREAS, the City continues to work with AT&T Broadband on franchise compliance issues but has concerns regarding progress toward meeting the franchise requirements, and

WHEREAS, existing staff does not have the expertise to assess legal and technical issues pertaining to the cable franchise transfer and compliance, and

WHEREAS, the City has utilized the services of Kramer.Firm, Inc., in the past and been very satisfied with the level of technical knowledge and expertise of that firm, and

WHEREAS, the cost of continued services by Kramer.Firm, Inc., to resolve technical issues pertaining to the transfer and cable franchise compliance is estimated at $55,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Kramer.Firm, Inc., for professional technical cable services in an amount not to exceed $55,000, a copy of which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By:
MICHAEL D. MILICH, CITY ATTORNEY

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-206

A RESOLUTION APPROVING AN AGREEMENT WITH JOHN HUFFMAN (BROADCAST ENGINEER) IN THE SUM OF $10,000 FOR PROJECT SITE MANAGEMENT SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME.

WHEREAS, Broadcast Engineer will provide on-site project management services to assist the City of Modesto's efforts in initiating a Public Access-Education-Government Program; and

WHEREAS, Broadcast Engineer shall represent the City in facilitating construction renovations to the designated portion of the basement within the Stanislaus County Office of Education (SCOE) building located at 1100 H Street, Modesto, California.; and

WHEREAS, Broadcast Engineer shall prepare an analysis, in conjunction with AT&T and City engineers, of the required technical infrastructure needed to transition the Master Control Room operation from AT&T's office located at 1639 Princeton Avenue, Modesto, California to the Stanislaus County Office of Education building located at 1100 H Street, Modesto, California; and

WHEREAS, Broadcast Engineer shall prepare, in conjunction with AT&T engineers, the equipment specifications needed to operate a Master Control Room and mini studio for emergency purposes; and

WHEREAS, Broadcast Engineer shall work, in conjunction with AT&T engineers, to test the entire Master Control Room system to ensure that it is fully operational prior to the City accepting the work as complete; and

WHEREAS, Broadcast Engineer shall work in coordination with the City to ensure the terms of the negotiated agreement between the City and SCOE are consistent with City policy direction; and

WHEREAS, Broadcast Engineer shall provide the City Manager and/or designee with periodic communications, both oral and written, outlining the progress of the project undertaken on the City's behalf; and

WHEREAS, the Modesto City Council authorizes the City Manager to execute all necessary agreements with John Huffman, Broadcast Engineer for project site management services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts approves an agreement with John Huffman (BROADCAST ENGINEER) in the sum of $10,000 for project site management services and authorizes the City Manager to execute the same.

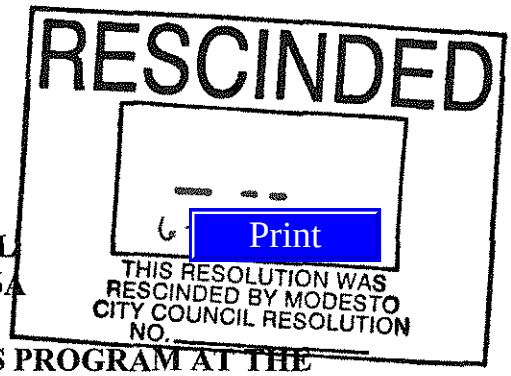
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Keating, Mayor Sabatino

NOES: Councilmembers: Jackman, O'Bryant

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 2002-206A

A RESOLUTION CONTINUING THE ANNUAL PASS PROGRAM AT THE MUNICIPAL NINE-HOLE GOLF COURSE, THE DRYDEN PARK MUNICIPAL GOLF COURSE AND THE CREEKSIDE MUNICIPAL GOLF COURSE, RESTATING RATES AT THE MUNICIPAL NINE-HOLE GOLF COURSE, ESTABLISHING NEW RATES AT THE MUNICIPAL NINE-HOLE GOLF COURSE, THE DRYDEN PARK MUNICIPAL GOLF COURSE AND THE CREEKSIDE MUNICIPAL GOLF COURSE, ESTABLISHING NEW RATES FOR ANNUAL PASSES, AND NOT APPROVING IMPLEMENTATION OF AN ANNUAL PASS CO-PAY FOR EVERYDAY PASS MEMBERS ON WEEKENDS DURING CURRENT NON-VALID TEE TIMES, AND RESCINDING RESOLUTION NOs. 2001-143, 2001-159 and 2001-597. 2003-329

WHEREAS, on March 27, 2001, the City Council adopted Resolution No. 2001-143, and

WHEREAS, on April 3, 2001, the City Council adopted Resolution No. 2001-159 which amended Exhibit "A" of Resolution No. 2001-143 so that the annual passes do not apply to tee times before 1:00 p.m. on Saturdays, Sundays and Holidays, and

WHEREAS, on November 20, 2001, the City Council adopted Resolution No. 2001-597 which amended Exhibit "A" of Resolution No. 2001-159 so that 1) at Dryen Park Municipal Golf Course and Creekside Municipal Golf Course the Every Day annual passes shall not apply to tee times before 1:00 p.m. on Saturdays, Sundays and Holidays during Daylight Savings Time and 12:00 Noon during Standard Time, and 2) at Municipal Nine-Hole Golf Course the Every Day annual passes shall not apply to tee times before 10:00 a.m. year-round on Saturdays, Sundays and Holidays, and

WHEREAS, in order for the annual pass program to continue into its second year, Council must approve the renewal of any passes effective on or after May 1, 2001, and

WHEREAS, City staff is recommending a green fee rate increase at the Municipal Golf Courses, an increase in the price of annual passes, and the elimination of the 8-play and 10-play Valu-Play booklets, and

WHEREAS, the Golf Courses Committee met on February 25, 2002, and March 18, 2002, and supported the recommendation to continue the Annual Pass Program and to increase rates at City's Municipal Golf Courses, and

WHEREAS, the Golf Courses Committee further recommended implementing an annual pass $10.00 per round co-pay for everyday pass members on weekends during current non-valid tee times, and

WHEREAS, the Human Services Committee met on April 11, 2002, and: 1) supported the recommendations of staff regarding continuation of an annual membership program; 2) supported increases in green fees and all changes in play policy; 3) supported increases in and annual pass fees; and, 4) opposed the Golf Courses Committee recommendation to implement an annual pass co-pay for everyday pass members on weekends during current non-valid tee times, and

WHEREAS, by an agenda report to the City Council from the Parks, Recreation and Neighborhoods Department dated April 12, 2002, City staff recommended the changes as outlined in the report, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on April 23, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing

of the Council was held for the purpose of receiving public comment on the proposed amended golf fees, and

WHEREAS, the Council of the City of Modesto finds that new fees for play need to be established at the Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. RATES. The rates for players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "A" attached hereto.

The policies and rates for tournament players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "B" attached hereto.

SECTION 2. DISCOUNTS. (a) School Golf Teams. School golf team passes are to be issued only upon presentation by holder of a current high school or college student body card and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. Team members with team member passes must be accompanied by their respective golf coaches and shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season. The specific spring school golf team season will be set by the golf professional after

receiving the schools' schedules of matches from each school coach. Green fees at the rate of $2.25 per round shall continue to be implemented for high school and Modesto Junior College golf programs at the Modesto Nine Hole Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course.

(b) Junior Discounts. Junior discounts are to be given only to persons eighteen (18) years of age and younger any day after 12:00 noon. Juniors shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility.

(c) Senior/Junior/Disabled Discounts. Senior/Junior/Disabled discounts are to be given only to persons who are sixty-two (62) years of age or older or to those who are on disability retirement. Proof of age or proof of disability retirement must be displayed to obtain a Senior/Retired/Disabled discount. Discounts are good weekdays except for holidays.

Members of the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Park Women's Golf Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.

(d) Valu- Play Cards. Golfers can purchase a weekday, 6-round Valu-Play (multiple play) card for Dryden/Creekside or Muni. Valu-Play Discounts are effective for sixty (60) days from the date of purchase except for the months of December, January and February. During this period multiple play cards will be good for the entire three

months. Multiple play cards are not refundable or transferable. The multiple play card is not good on weekends or holidays.

(e) Special Rates. From time to time, the Recreation and Neighborhoods Director or his or her designee may provide up to a fifty percent (50%) discount off of daily greens fees. Such specials shall occur no more than twenty (20) days per month at each golf course.

(f) Family Tee Program. To promote family play, golfers may play from established "family tees" to be set no more than 175 yards from the greens at Municipal nine-Hole Golf Courses. Rates for play are $5.00 weekdays and $6.00 weekends. All members of the foursome or group must use the family tees for this rate to be in effect.

(g) Play one round, get the second round at half price. This discount is good on the day and at the course on which the original full-fee round is played. The fee for the second round shall be one-half of the green fee in effect at the time the second round is played.

SECTION 3. COMPLIMENTARY TICKETS. Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting professionals or others, for services rendered to the golf course. Free play must be approved by the Parks, Recreation and Neighborhoods Director or designee.

SECTION 4. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 5. POLICY. In order for fees to be consistent and competitive with other courses in the valley, the Play Day Policy for Play at the City's Municipal Golf Courses by Non-Affiliated Groups shall continue to be implemented as set forth on Exhibit "C" attached hereto.

SECTION 6. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day (January 1st), Martin Luther King's Birthday (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4th), Labor Day (the first Monday in September), Veterans Day (November 11th), Thanksgiving Day (the fourth Thursday in November) and the day after Thanksgiving. When a holiday falls on Sunday, the following Monday shall be observed as a holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.

SECTION 7. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established greens fees.

SECTION 8. OFFICIALLY RECOGNIZED AFFILIATED GOLF CLUBS. Golf Clubs officially recognized under the terms of this resolution are: Muni Niners, Modesto Golf Club, Dryden Park Women's Golf Club, Creekside Golf Club and S.I.R.S.

SECTION 9. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after May 1, 2002.

SECTION 10. REPEALS. Resolution Nos. 2001-143, 2001-159 and 2001-597 are hereby rescinded effective April 30,2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Frohman
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CITY OF MODESTO GOLF COURSES
GREEN FEE SCHEDULE
EFFECTIVE MAY 1, 2002

DRYDEN PARK MUNICIPAL GOLF COURSE

Weekdays, 9-holes	$ 13.00
Weekdays, 9-holes (seniors/juniors/disabled)	$ 11.00
Weekdays, 18-holes	$ 18.00
Weekdays, 18-holes (seniors/juniors/disabled)	$ 14.50
Weekdays, 18-holes (juniors, after noon)	$10.50
Weekdays Mid-day, 18-holes	$ 14.00
Weekdays Super-Twilight, 18-holes	$ 8.00
Weekdays afternoon League Play	$ 12.50
Weekends/Holidays, 9-holes	$ 15.00
Weekends/Holidays, 18-holes	$ 24.00
Weekends/Holidays, 18-holes (juniors, after noon)	$ 13.00
Weekends/Holidays Mid-day, 18-holes	$ 17.00
Weekends/Holidays Super-Twilight, 18-holes	$ 11.00
6-play Valu-Play booklet	$ 90.00
6-play Valu-Play booklet (seniors/juniors/disabled)	$ 75.00

CREEKSIDE MUNICIPAL GOLF COURSE

Weekdays, 9-holes	$ 14.50
Weekdays, 9-holes (seniors/juniors/disabled)	$ 12.00
Weekdays, 18-holes	$ 20.00
Weekdays, 18-holes (seniors/juniors/disabled)	$ 16.00
Weekdays, 18-holes (juniors, after noon)	$ 11.50
Weekdays Mid-day, 18-holes	$ 15.00
Weekdays Super-Twilight, 18-holes	$ 9.00
Weekdays afternoon League Play	$ 13.50
Weekends/Holidays, 9-holes	$ 17.00
Weekends/Holidays, 18-holes	$ 27.00
Weekends/Holidays, 18-holes (juniors, after noon)	$ 15.00
Weekends/Holidays Mid-day, 18-holes	$ 19.00
Weekends/Holidays Super-Twilight, 18-holes	$ 13.00
6-play Valu-Play booklet	$ 90.00

6-play Valu-Play booklet (seniors/juniors/disabled)	$ 75.00

MODESTO NINE HOLE MUNICIPAL GOLF COURSE (MUNI)

Weekdays, 9-holes	$ 11.00
Weekdays, 9-holes (seniors/juniors/disabled)	$ 9.00
Weekdays, 9-holes (juniors, after noon)	$ 6.50
Weekdays Mid-day, 9-holes	$ 9.00
Weekdays Super-Twilight, 9-holes	$ 7.00
Weekdays afternoon League Play	$ 8.00
Weekends/Holidays, 9-holes	$ 13.00
Weekends/Holidays, 9-holes (juniors, after noon)	$ 7.50
Weekends/Holidays Mid-day, 9-holes	$ 10.00
Weekends/Holidays Super-Twilight, 9-holes	$ 8.00
6-play Valu-Play booklet	$ 45.00
6-play Valu-Play booklet (seniors/juniors/disabled)	$ 39.00
Weekdays, 9-holes, Family Tees	$5.00
Weekends, 9-holes, Family Tees	$6.00

MUNICIPAL NINE-HOLE GOLF COURSE, DRYDEN PARK MUNICIPAL GOLF COURSE AND CREEKSIDE MUNICIPAL GOLF COURSE

*Annual Club Membership, Initial Membership	$150.00
*Annual Club Membership, Every Day	$845.00
*Annual Club Membership, Every Day, Jr./Sr.	$740.00
*Annual Club Membership, Every Day, Family	$1,270.00
*Annual Club Membership, Every Day, Family, Jr./Sr.	$1,110.00
*Annual Club Membership, Week Day	$690.00
*Annual Club Membership, Week Day, Jr./Sr.	$580.00
*Annual Club Membership, Week Day, Family	$1,030.00
*Annual Club Membership, Week Day, Family, Jr./Sr.	$875.00

*At Dryden Park Municipal Golf Course and Creekside Municipal Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 1:00 p.m. during Daylight Savings Time and 12:00 Noon during Standard Time on Saturdays, Sundays, and Holidays. At Municipal Nine-Hole Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 10:00 a.m. year-round on Saturdays, Sundays, and Holidays.

EXHIBIT "B"

TOURNAMENT FEE SCHEDULE AND POLICY
EFFECTIVE MAY 1, 2002

	FEE PER PLAYER		
	Regular Tee Time Style	Full Shotgun Tee Time Style Excluding cart	Modified Shotgun Tee Time Style Excluding cart
CREEKSIDE			
Weekday	$30.00	$38.00	$38.00
Weekends	$37.00	$46.00	N/A
DRYDEN			
Weekday	$28.00	$36.00	$36.00
Weekends	$34.00	$43.00	N/A
MUNI			
Weekday	$19.00	$21.00	N/A
Weekend	$23.00	$25.00	N/A

In addition, a non-refundable deposit of $50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees ($20.00 weekdays/$27.00 weekends at Creekside, $18.00 weekdays/$24.00 weekends at Dryden and $11.00 weekdays/$13.00 weekends at Muni); and Pro Shop merchandise credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni).

Full shotgun tee time style tournaments require a minimum of 120 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees ($24.00 weekdays/$32.00 weekends at Creekside, $22.00 weekdays/$29.00 weekends at Dryden and $13.00 weekdays/$15.00 weekends at Muni); Pro Shop merchandise credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni). Cart rental is required for shotgun style tournaments.

Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include: green fees ($24.00 weekdays at Creekside; $22.00 weekdays at Dryden); Pro Shop merchandise credit ($7.00 at Creekside/Dryden); and

golf course restaurant credit ($7.00 at Creekside/Dryden). Cart rental is required for modified shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.

Members of the five officially recognized affiliated golf clubs (Muni Niners, Modesto Golf Club, Dryden Park Women's Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Friday, excluding holidays.

EXHIBIT "C"

PLAY DAY POLICY FOR PLAY AT THE CITY'S MUNICIPAL GOLF COURSES BY NON-AFFILIATED GROUPS

The following policy is hereby established for Non-Affiliated Groups to encourage their use of the City's municipal golf courses:

Criteria for these groups are:

1. They are a group with an identification or organizational structure;

2. They commit to use the City's golf course(s) on a regular basis (weekly, bi-weekly, monthly, etc.);

3. They have a minimum of twenty-four (24) players;

4. Regular tee-time style starting will be used (no shotgun style starting will be allowed);

5. Their events do not promote a formal competition or championship; and

6. Play days will be restricted to Monday through Wednesday after 9:00 a.m.

In recognition of their contribution to the golf program, no mandatory pro shop or restaurant fees will be assessed. Tee time reservations, in advance of public reservations, will be allowed.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-207

A RESOLUTION INCREASING THE ENGINEERING AND TRANSPORTATION DIRECTOR'S AUTHORITY LEVEL TO ISSUE CHANGE ORDERS FROM 8% TO 19% OF THE ORIGINAL CONTRACT PRICE WITH BOLLO CONSTRUCTION INCORPORATED ON THE RENOVATION OF EXISTING POLICE HEADQUARTERS BUILDING BID PACKAGE NUMBER THREE (3) PROJECT

WHEREAS, on December 11, 2001, the City Council awarded a $2,279,820 contract to Bollo Construction Incorporated to renovate the existing Police Headquarters Building at 601 11th Street, and

WHEREAS, the contractor started work on February 4, 2002, and

WHEREAS, the City needs to have the contractor perform additional work in excess of the authority given to the Director of Engineering and Transportation on a project this size by the Council's change order policy adopted by Resolution No. 94-443, and

WHEREAS, the estimated cost associated with the extra work is $240,282, increasing the estimated contract amount to $2,520,702, and

WHEREAS, Council appropriated $240,282 by Resolution No. 2002-208 to fund increase, and

WHEREAS, the Director currently has authority to approve change orders up to a cumulative amount of 8% of the original contract price, or $182,386 in this case,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Engineering and Transportation Director's authority level to issue change orders, from 8% to 19% of the original contract price with Bollo Construction Incorporated, for the project entitled "Renovation Of Existing Police Headquarters Building Bid Package No.3."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Fisher , who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-208

A RESOLUTION AMENDING THE 2001-2002 CAPITAL IMPROVEMENT BUDGET BY $240,282 TO FUND UNFORESEEN WORK ON THE RENOVATION OF EXISTING POLICE HEADQUARTERS BUILDING BID PACKAGE NUMBER THREE (3) PROJECT

WHEREAS, on December 11, 2001, the City Council awarded a $2,279,820 contract to Bollo Construction Incorporated to renovate the existing Police Headquarters Building at 601 11th Street, and

WHEREAS, the contractor started work on February 4, 2002, and

WHEREAS, after completing the initial phases of the project, unforeseen deficiencies in the existing building became evident, and

WHEREAS, the City needs to have the contractor perform additional work in the amount of $240,282, and

WHEREAS, performing the additional work will provide the desired end product and avoid additional costly work in the future,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that budget Account 130-190-J299 (Object 6040) shall be increased by $240,282, the increased funds coming the General Fund Reserves Fund, Account 0100-899-8000-8003.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

RESCINDED
Print
5-24-2005
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2005-277

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 -209

A RESOULTION AMENDING PASSENGER FARES FOR SERVICE ON MODESTO AREA DIAL-A-RIDE, RESTATING PASSENGER FARES FOR BUS SERVICE ON MODESTO AREA EXPRESS, AND RESCINDING RESOLUTION NO. 99-193.

WHEREAS, in order to receive continued State support the City's paratransit program requires a 10% fare box recovery rate, and

WHEREAS, Fiscal Year 2002/2003 Dial-A-Ride revenue projections are forecast below the 10% recovery rate, and

WHEREAS, City staff is recommending a rate increase for passengers riding on Modesto Area Dial-A-Ride, and

WHEREAS, the Transit Advisory Committee met on March 14, 2002, and had no objections to the rate increase, and

WHEREAS, the Transportation Policy Committee met on March 21, 2002, and supported staff recommendation, and

WHEREAS, by an agenda report to the City Council from Engineering and Transportation Department dated March 22, 2002, City staff recommended the changes as outlined in the report, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on Aril 23, 2002, in the Tenth Street Place Chamber located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amended fees.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the following fares are hereby established for passengers riding on the fixed route buses of the Modesto Area Express:

A.	Cash Fares	
1.	Regular Passengers	$.85
2.	Students (age 5 and older and full-time college students)	$.65
3.	Handicapped and Senior Citizens	$.40

4.	Transfer fare for passengers transferring from the Stanislaus County Rural Transit System to Modesto Area Express	$.25
5.	Student field trip fare (per student and/or accompanying adult, effective only for elementary or junior high school field trips prearranged in accordance with rules set by the Transit Manager)	$.45
B.	Passes and Tickets	
1.	Regular Monthly Pass – full month After the 7th of the Month After the 14th of the month After the 21st of the month	$33.00 $24.75 $16.50 $ 8.25
2.	Student Monthly Pass – full month After the 7th of the month After the 14th of the month After the 21st of the month	$22.00 $16.50 $11.00 $ 5.50
3.	Senior Citizen/Handicapped Monthly Pass After the 7th of the month After the 14th of the month After the 21st of the month	$17.00 full month $12.75 $ 8.50 $ 4.25
4.	All day Bus Pass (all passengers)	$2.10
5.	Commuter Tickets (Commuter tickets are valid only between the hours of 6:00 a.m. and 10.00 a.m. and from 4:00 p.m. to 6:00 p.m. every day)	$33.00 for 50 rides
6.	Regular Passenger Ticket Books	$42.50 for 50 rides
7.	Student Passenger Ticket Books	$32.50 for 50 rides
8.	Senior Citizen/Handicapped Ticket Books	$20.00 for 50 rides

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the following fares are hereby amended for passengers riding on the City of Modesto's Dial-A-Ride service:

Regular Cash fare	$ 1.70
Ticket Books (containing 10 tickets)	$12.65

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 99-193 is hereby rescinded effective May 31, 2002.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that this resolution shall go into effect and be in full force and operation on and after June 1, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25rd day of April, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, CITY ATTORNEY

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-210

A RESOLUTION APPROVING THE FILING OF A GRANT APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION FOR PUBLIC TRANSIT OPERATING AND CAPITAL PURPOSES AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL GRANT APPLICATIONS AND GRANT AGREEMENT DOCUMENTS

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award federal financial assistance for transportation related projects, and

WHEREAS, the City of Modesto has provided all annual certifications and assurances to the Federal Transit Administration required for the project, and

WHEREAS, each year the City of Modesto submits a grant application for funds from the formula apportionment made available to the Modesto Urbanized area by the FTA, and

WHEREAS, the City of Modesto has received authority from the Designated Recipient, StanCOG, to apply for Urban Area Formula Program Assistance for no more than $5,466.405 for FY 2001-2002, and

WHEREAS, the City of Modesto has received authority from the Designated Recipient, StanCOG, to apply for Congestion Mitigation and Air Quality funds for no more than $985,500 for projects in both the City of Modesto and City of Ceres, and

WHEREAS, the grant for Federal assistance will impose certain obligations on the City of Modesto, and may require the city to provide the local share of the project costs, and

WHEREAS, the City of Modesto City Council conducted a Public Hearing on April 16, 2002, in accordance with FTA regulations, and

WHEREAS, by a report to the Council dated March 27, 2002, from the Engineering and Transportation Department, City staff recommended submitting a grant application for $5,466,405 in formula funds and $985,500 in Congestion Mitigation and Air Quality funds to partially offset the operational and capital costs of the City's public transit program, a copy of said report is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or his designee is authorized to execute and file an application for Federal assistance on behalf of the City of Modesto with the Federal Transit Administration (FTA) for Federal assistance authorized by 49 U.S.C. chapter 53, Title 23, United State Code, or other Federal statues authorizing a project administered by the Federal Transit Administration.

BE IT FURTHER RESOLVED that the City Manager or his designee is authorized to execute and file the annual certifications and assurances and other documents the Federal Transit Administration requires for awarding a federal assistance grant.

BE IT FURTHER RESOLVED that the City Manager or his designee is authorized to execute grant agreements with the Federal Transit Administration on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25rd day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, CITY ATTORNEY

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 211

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA PUBLIC EMPLOYEE'S RETIREMENT SYSTEM (CalPERS)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and California Public Employee's Retirement System to provide Section 21362.2 and Section 21574.5 for fire safety members; authorize the City Clerk to certify the Council's action; authorize the City Clerk to certify compliance with Government Code Section 7507; and, introduce an ordinance and set for final adoption on May 28, 2002 to amend the contract between the City and CalPERS to provide 3% @ 50 retirement formula and Indexed Level of 1959 Survivor's Benefits for fire safety members be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO FORM

By: Michael D. Milich, City Attorney

05/07/02/Risk/D Norris

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-212
RESOLUTION OF INTENTION

TO APPROVE AN AMENDMENT TO CONTRACT

BETWEEN THE

BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

AND THE

CITY COUNCIL
CITY OF MODESTO

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 21362.2 (3% @ 50 Full formula) and
Section 21574.5 (Indexed Level of 1959 Survivor Benefits)
for local fire members only.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By: Carmen Sabatino
Presiding Officer

MAYOR
Title

MAY 7, 2002
Date adopted and approved

(Amendment)
CON-302 (Rev. 4/96)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO FORM

By: _____
Michael D. Milich, City Attorney

CalPERS

EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Modesto

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective August 1, 1946, and witnessed July 27, 1946, and as amended effective December 1, 1950, July 1, 1956, July 1, 1959, November 1, 1959, January 1, 1960, October 1, 1962, January 1, 1969, May 1, 1973, May 1, 1974, June 24, 1975, March 28, 1978, July 4, 1978, November 1, 1980, October 20, 1981, June 29, 1982, October 15, 1985, June 24, 1986, April 14, 1987, November 22, 1991, July 25, 1997, November 7, 2000 and June 19, 2001 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

A. Paragraphs 1 through 14 are hereby stricken from said contract as executed effective June 19, 2001, and hereby replaced by the following paragraphs numbered 1 through 13 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members and age 50 for local safety members.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

2. Public Agency shall participate in the Public Employees' Retirement System from and after August 1, 1946 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:

   a. Local Fire Fighters (herein referred to as local safety members);

   b. Local Police Officers (herein referred to as local safety members);

   c. Employees other than local safety members (herein referred to as local miscellaneous members).

4. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

   a. POLICE COURT EMPLOYEES; AND
   b. ALL HOURLY RATED OR HOURLY BASIS EMPLOYEES HIRED ON AND AFTER OCTOBER 1, 1962.

5. Assets heretofore accumulated with respect to members in the local retirement system have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of the assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system has been credited to the individual membership account of each such employee under the Public Employees' Retirement System.

6. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1956, the effective date of Social Security coverage, and prior to June 30, 1978, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).

7. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).

8. Public Agency elected and elects to be subject to the following optional provisions:

   a. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.

   b. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.

   c. Section 21319 (One-Time 15% Increase for Local Miscellaneous Members Who Retired or Died Prior to July 1, 1971). Legislation repealed said Section effective January 1, 2002.

   d. Section 21572 (Increased Level of 1959 Survivor Benefits) for local miscellaneous members only.

   e. Section 20042 (One-Year Final Compensation).

   f. Section 21427 (Improved Nonindustrial Disability Allowance) for local miscellaneous members only.

   g. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance) for local safety members and those local miscellaneous members entering membership on or prior to October 20, 1981.

   h. Section 21325 (One-Time 3% to 15% Increase For Local Miscellaneous Members and Local Safety Members Who Retired or Died Prior to January 1, 1974). Legislation repealed said Section effective January 1, 2002.

   i. Section 20475 (Different Level of Benefits Provided for New Employees). Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance) are not applicable to local miscellaneous members entering membership after October 20, 1981.

   j. Section 21322 (One-Time 4% Increase For Local Miscellaneous Members and Local Safety Members Who Retired or Died Prior to January 1, 1981). Legislation repealed said Section effective January 1, 2002.

k. Section 21317 (One-Time 15% Increase for Certain Local Safety Members Who Retired for Service Retirement). Legislation repealed said Section effective January 1, 2002.

l. Section 21024 (Military Service Credit as Public Service), Statutes of 1976.

m. Section 21574.5 (Indexed Level of 1959 Survivor Benefits) for local safety members only.

9. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on March 28, 1978. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.

10. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.

11. Public Agency shall also contribute to said Retirement System as follows:

a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574.5 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.

b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

12. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

13. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY_____
KENNETH W. MARZION, CHIEF
ACTUARIAL & EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF MODESTO

BY_____
PRESIDING OFFICER

_____
Witness Date

Attest:

_____
Clerk

PLEASE DO NOT SIGN "EXHIBIT ONLY"

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Actuarial and Employer Services Division
Public Agency Contract Services
P.O. Box 942709
Sacramento, CA 94229-2709
(916) 326-3420

CERTIFICATION OF COMPLIANCE WITH GOVERNMENT CODE SECTION 7507

I hereby certify that in accordance with Section 7507 of the Government Code the future annual costs as determined by the System Actuary and/or the increase in retirement benefit(s) have been made public at a public meeting of the

City Council of the
(governing body)

City of Modesto
(public agency)

on May 7, 2002 which is at least two weeks prior to the adoption of the
(date)

Resolution / Ordinance.

Jean Zahr
Clerk/Secretary

Jean Zahr, City Clerk/Auditor
Title

Date May 15, 2002

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Actuarial and Employer Services Division
Public Agency Contract Services
P.O. Box 942709
Sacramento, CA 94229-2709
(916) 326-3420

CERTIFICATION OF GOVERNING BODY'S ACTION

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the

City Council
(governing body)

of the

City of Modesto
(public agency)

on May 7, 2002
(date).

Jean Zahr
Clerk/Secretary

Jean Zahr, City Clerk/Auditor
Title

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-213

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to establish the following classification:

Paralegal

As a result of a new position created in the 2001/02 budget cycle assigned to the City Attorney's Office.

The specification for this confidential position of Paralegal, (Range 425) as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of the City of Modesto.

SECTION 2. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Fire Marshal

This classification is being amended as a result of the needs of the position assigned to the Fire Department. The specification for the classification of Fire Marshal, as shown on the attached Exhibit "B" which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after May 7, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO **EXHIBIT "A"** MAY, 2002
No. 3735

PARALEGAL

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

Under general supervision, a paralegal performs a variety of paraprofessional legal duties in support of the City Attorney's Office, prepares legal documents, interviews clients, and performs legal research and writing and provides general litigation support.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from various attorneys assigned to the City Attorney's Office.

May exercise technical supervision over clerical staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Draft legal documents, including discovery, administrative, pre-trial/trial documents, pleadings, motions, correspondence and memoranda.

Gather, organize, summarize and analyze materials obtained through the pre-trial process.

Maintain a master calendar of critical dates, including court appearances, court filings, pre-trial dates, and discovery response dates.

Gather and organize documents for administrative proceedings; may attend and take notes at hearings.

Act as a liaison between attorneys and client/witnesses.

Provide logistical support, including filing legal documents or collect legal documents at a variety of venues.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (continued)

Essential functions:

Research specific questions of law for precedence, related case law, and/or citations and summarize the results in memoranda or reports.

Prepare witnesses to give testimony and depositions; review and summarize witness statements.

Analyze or distinguish cases that may have relevance, and present conclusions to attorney.

Respond to inquiries from the public

Monitor the progress of cases/projects as appropriate.

Prepare correspondence and reports.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods and techniques used in conducting legal research and available legal resource material, discovery, and fact investigation.

Applicable California Code of Civil Procedure; related municipal, state and federal laws, codes, and procedure.

Use and application of general legal principles and processes.

Principles of legal writing; basic communication skills.

Ethics of law practices.

General familiarity with State and Federal Trial Court practices.

QUALIFICATIONS

Knowledge of:

Personal computers and related software.

Ability to:

Provide paralegal support during administrative hearings, in court and while performing related duties.

Make independent judgments within established guidelines.

Prepare legal documents, including pleadings, motions, and discovery documents.

Organize work, set priorities, meet critical deadlines and follow-up on assignments with a minimum of directions.

Research and summarize case law and other legal documents.

Monitor progress of cases and projects as appropriate.

Follow verbal and written instructions.

Establish and maintain effective working relationships with those contacted in the course of work.

Use a computer and related office equipment.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

One year of progressively responsible experience as a Paralegal working under the supervision of an attorney, **AND must possess at least one of the following:**

Training:

a) A certificate of completion of a paralegal program approved by the American Bar Association; b) A certificate of completion of a paralegal program or a degree from a post-secondary institution that requires the successful completion of a minimum of 24 semester units in law-related courses and that has been accredited by a national or regional accrediting organization or approved by the Bureau of Private Post-secondary and vocational education; c) a baccalaureate degree in any subject and a minimum of one year of law-related experience or a high school diploma or general equivalency diploma and a minimum of three years of law-related experience. The law-related experience must have been under the supervision of an attorney, who has been an active member of the State Bar of California or who has practiced in the federal courts of this state, for at least the preceding three years, and who must provide a written declaration stating the incumbent is qualified to perform paralegal tasks.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

See "training" section above for specific details.

Additional Special Requirements

Four hours of mandatory continuing education in either general law or in a specialized area of law every two years, and

Four hours of mandatory continuing legal education in legal ethics every three years.

Note: The experience and training guidelines described above are based on AB 1761, Codified as Section 6450 Business and Professions Code.

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time, bending and stooping to retrieve files and using a personal computer and other office equipment.

CITY OF MODESTO
NO. 3349

EXHIBIT "B"

MAY, 2002

FIRE MARSHAL

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

Under direction to manage and coordinate the activities of the Fire Prevention Bureau, including supervisory and complex technical work related to fire inspection and prevention activities; and to provide highly complex assistance to the Support Services Division Chief.

SUPERVISION RECEIVED AND EXERCISED:

Receives direction from the Support Services Division Chief. Exercises direct and indirect supervision over Fire Prevention Bureau staff, including staff performing related duties while assigned to other departments.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Schedule and supervise fire prevention activities including inspection of existing structures, construction and remodel sites for compliance with applicable laws and regulations. Structures include: residential, commercial, industrial, institutional, public assembly and public lodging facilities.

Perform the most complex inspections involving unusual technical and enforcement problems.

Schedule and supervise the inspection of hydrants, automatic fire sprinkler systems and elements of a fire protection system.

Calculate water fire flows for building requirements.

Supervise maintenance of records of fire losses, inspections, fire deaths and injuries.

Supervise activities related to plan checking of building suppression and detection systems; review of annexations and subdivisions.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (continued)

Provide for public education in fire prevention for schools, community groups and other organizations or institutions.

Issue warnings and citations for fire code violations; issue burn permits.

Select, supervise and evaluate Bureau employees.

Supervise the preparation of statistical reports.

Direct the development, implementation and coordination of training programs and standards for Bureau personnel to learn and maintain technical competency.

Develop and administer Bureau budget.

Marginal functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Applicable Federal, State and local laws and ordinances and fire safety standards.

Fire prevention principles, procedures, techniques and equipment.

Building, electrical, mechanical and fire codes.

Principles and practices of supervision, training and personnel management.

Budget preparation and administration.

Ability to:

Recognize fire hazards such as structural conditions and hazardous materials and recommend techniques for correcting them.

QUALIFICATIONS – (continued)

Ability to:

Effectively apply standard fire prevention techniques.

Meet and deal tactfully, and establish and maintain cooperative working relationships with the public, news media, and other governmental agencies.

Plan, organize, coordinate and supervise the work of Bureau employees.

Communicate effectively, both orally and in writing.

Make sound decisions in a manner consistent with job duties and departmental or City policies.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible technical experience in fire prevention. Part of the required experience must include supervisory and administrative functions.

Training:

Equivalent to an Associate of Arts Degree from an accredited college or university in fire science, fire prevention, fire protection engineering or a closely related field.

License or Certificate:

Possession of, or ability to obtain, a valid, appropriate California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Office and field environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time, using a personal computer, and traveling from site to site.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-214

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2001-270 TO AMEND THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGE FOR THE CLASSIFICATION OF PARALEGAL, EFFECTIVE MAY 7, 2002.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2001-270,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 2001-270. Exhibit "A" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 19, 2001", is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective May 7, 2002, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" establishes the salary range for Paralegal at Range 425.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after, May 7, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-215

Print

A RESOLUTION APPROVING AN AMENDMENT TO A SERVICE AGREEMENT WITH THE GOODWIN CONSULTING GROUP AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT TO AGREEMENT

WHEREAS, on the 26th day of June 2001 the Council of the City of Modesto approved an agreement with the Goodwin Consulting Group in the amount of $57,800 to undertake an Infrastructure Financing Study for the Village One.

WHEREAS, it is desirable to increase the scope of the study to include a comparison, on a consistent basis, of the Village One financial burdens to other Central Valley projects in the regional marketplace.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendment to Agreement with Goodwin Consulting Group in the amount of $20,000.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute said amendment to the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion was duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-216

A RESOLUTION ACCEPTING THE BID OF AGEE CONSTRUCTION CORPORATION IN THE AMOUNT OF $8,992,823.30 FOR THE PROJECT TITLED "KANSAS-NEEDHAM OVERHEAD" (Project 2002-09)

WHEREAS, the bids received for "KANSAS-NEEDHAM OVERHEAD" were opened at 11:00 a.m. on April 23, 2002, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $8,992,823.30 received from AGEE CONSTRUCTION CORPORATION be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $8,992,823.30 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-217

A RESOLUTION PROCLAIMING MAY 13-18, 2002, "CALIFORNIA BIKE COMMUTE WEEK 2002."

WHEREAS, bicycle commuting is an effective means to reduce air pollution, and

WHEREAS, bicycle commuting is an effective means to conserve energy, and

WHEREAS, bicycle commuting helps improve the "livability" of communities by reducing traffic noise and congestion, and

WHEREAS, bicycle transportation is an integral part of the "multi-modal" transportation system planned for by Federal, State, regional, and local transportation government agencies, and

WHEREAS, local bicycle commute promotions, often known as "Bike to Work Days" have been successful at encouraging bicycle commuting, and

WHEREAS, the California Bicycle Coalition, the American Lung Association of California and many public and private groups and individuals have worked together to promote a single week of bicycle commuting, and

WHEREAS, the month of May is "Clean Air Month" as part of the American Lung Association of California's efforts to promote air quality, and

WHEREAS, the month of May is National Bike Month to promote the bicycle as a means of transportation and recreation, and

WHEREAS, May 18, 2002, will be celebrated with the "Modesto Family Cycling Festival & Criterium,"

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto City Council urges all citizens to recognize the importance and benefits of bicycling as a zero-polluting transportation alternative, and hereby proclaims May 13-18, 2002, as "California Bike Commute Week 2002."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-218

A RESOLUTION ACCEPTING IMPROVEMENTS IN VILLAGE HIGHLANDS PHASE 3 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Inland Village, a General Partnership, subdividers of Village Highlands Phase 3 subdivision, have filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $793,600 and $396,800, respectively, and,

WHEREAS, Inland Village, a General Partnership, has filed a warranty bond in the amount of $79,360 to guarantee improvements in Village Highlands Phase 3 subdivision, and,

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department, and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:

1. The improvements in Village Highlands Phase 3 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $793,600 upon recordation of the notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $396,800 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $79,360 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-219

A RESOLUTION APPROVING THE FINAL MAP OF CLARATINA ESTATES SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, FLORSHEIM BROS., a California General Partnership, by Florsheim Properties, a California Corporation, Partner, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 41.4 acres, known as Claratina Estates in the Coffee-Claratina Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 6th day of August, 2001, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said CLARATINA ESTATES meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-220

A RESOLUTION ACCEPTING THE PROJECT TITLED "PELANDALE/MCHENRY INTERSECTION IMPROVEMENTS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Pelandale/McHenry Intersection Improvements has been completed by Fagundes & Son, Inc., in accordance with the contract agreement dated February 13, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Pelandale/McHenry Intersection Improvements project be accepted from said contractor, Fagundes & Son, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $477,415.26 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-221

A RESOLUTION ACCEPTING THE BID OF RICHARD A. HEAPS FOR THE PROJECT TITLED "UPGRADE TRAFFIC SIGNALS – STATE"

WHEREAS, the bids received for the signals at the intersections of Needham at K and L Streets, and 11th and K Street were opened at 11:00 a.m. on April 2, 2002, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $113,748 received from Richard A. Heaps, Electrical Contractor be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $113,748, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO 2002 –222

A RESOLUTION AUTHORIZING THE CITY MANAGER TO DISTRIBUTE A FORMAL REQUEST FOR PROPOSALS (RFP) TO POTENTIAL HOUSING POLICY ANALYST SERVICE PROVIDERS SEEKING ASSISTANCE WITH THE REVISION AND UPDATE OF THE CITY OF MODESTO HOUSING ELEMENT OF THE URBAN AREA GENERAL PLAN.

WHEREAS, the City of Modesto adopted the Urban Area General Plan on August 15, 1995, by Resolution No. 95-409 in accordance with State of California Government Code Section 65302, and

WHEREAS, the State of California Government Code Section 65302 requires the inclusion of a Housing Element (as provided in Government Code Section 65580 et seq.) as part of the City's General Plan, and

WHEREAS, the State of California Government Code Section 65588 (e) (6) requires the City of Modesto to revise and update its Housing Element by December 31, 2003, and

WHEREAS, the revision to and update of the Housing Element will address many issues, including identifying existing and projected housing needs, identifying appropriate resources to address housing needs, identifying existing and proposed housing programs, identifying appropriate economic and job development strategies, and

WHEREAS, the Housing Element will be revised and updated to address these issues with an additional focus on job and economic development strategies, and said update effort will require the services of a Housing Policy Analyst Service Provider, and

WHEREAS, the City Council's Community Development and Housing Committee received a staff report on March 20, 2002, outlining the housing element update work program and recommended that the City Council authorize recruitment of a Housing Policy Analyst Service Provider,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby authorize the distribution of a formal Request For Proposals (RFP) for the purpose of receiving assistance with the revision and update of the Housing Element of the City of Modesto Urban Area General Plan.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto, held on the 7th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST Jean Zahr
Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:
BY: _____
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-223

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT FOR A GRANT IN THE AMOUNT OF $50,000 BETWEEN THE CITY OF MODESTO AND AMERICAN GI FORUM FOR THE WORKFORCE DEVELOPMENT PROGRAM, CONTRACTOR SUPPORT CENTER, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO AGREEMENT.

WHEREAS, the City Council of the City of Modesto has supported the efforts of the Workforce Development Program, and

WHEREAS, the Workforce Development Program has four components: Pre-Construction Training Program, Contractor Support Center, Affordable Housing and Policy Changes, and

WHEREAS, the Pre-Construction Training Program began in October, 2000, and has successfully graduated three classes, and

WHEREAS, the City Council supports the continued expansion of the Workforce Development program through the creation of the Contractor Support Center,

WHEREAS, the City Council approved the funding request for the Contractor Support Center on September 25, 2001, and

WHEREAS, the Agreement for Services with American GI Forum expired on March 31, 2002, and

WHEREAS, to date, American GI Forum has received a total of $17,855 and has not completed the Program Workplan Objectives, and

WHEREAS, City and American GI Forum desire to extend the term of the Agreement through June 30, 2002,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that an Amendment to the Agreement for Services, entered into September 25, 2001, for a grant in the amount of $50,000 from Community Development Block Grant Funds to AMERICAN GI FORUM for the Workforce Development Contractor Support Center is hereby approved.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the Amendment to the Agreement for Services between the City of Modesto and American GI Forum.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 7th day of May, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST Jean Zahr
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 – 224

A RESOLUTION APPROVING CONCEPTUAL PLANS FOR THE INSTALLATION OF A MURAL ON CITY OF MODESTO WATER TOWER IN CELEBRATION OF THE HUNDREDTH ANNIVERSARY OF THE CALIFORNIA GOLDEN POPPY AS THE STATE FLOWER AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE A RIGHT OF ENTRY AGREEMENT FOR FINAL APPROVAL BY THE CITY COUNCIL.

WHEREAS, the hundredth anniversary of the California Golden Poppy as the State Flower will be celebrated on April 6, 2003, and

WHEREAS, in celebration of this event, the native Daughters of the Golden West and the California Poppy Project have requested consideration of conceptual plans to install a mural on the City-owned water tower at Tenth and D Streets, and

WHEREAS, such plans call for the mural to depict Golden Poppies and Lupines along with the name of the jurisdiction, and

WHEREAS, all work related to this project shall be funded through private donations, and

WHEREAS, implementation of this plan will require the development of a Right of Entry Agreement after the conceptual plan is finalized,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves conceptual plans for the installation of a mural on the City water tower at Tenth and D Streets in celebration of the hundredth anniversary of the California State Flower.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to negotiate a Right of Entry Agreement for City Council approval.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duty seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 – 225

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FOURELS INVESTMENT CO. FOR THE INSTALLATION OF LANDSCAPING ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF SISK ROAD AND WEST BRIGGSMORE AVENUE AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.

WHEREAS, the City of Modesto has expressed an interest in landscaping areas around the community in an effort to enhance the community's appearance, and

WHEREAS, Fourels Investment Co. owns certain real property at the northeast corner of Sisk Road and West Briggsmore Avenue, and

WHEREAS, City desires to install an irrigation system and landscaping at this location and to provide for the maintenance of such improvements, and

WHEREAS, Fourels Investment Company agrees to allow the City use of the area for the purpose of placing, inspecting, maintaining, and replacing landscaping, except for the turf and shrub areas, and

WHEREAS, Fourels agrees to bear all the costs for maintaining the turf and shrub areas, and

WHEREAS, the City of Modesto agrees to bear all the costs for maintaining the hardscaped areas, and

WHEREAS, the Community Development & Housing reviewed and approved the project on March 20, 2002,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Fourels Investment Co. for the installation of landscaping on property located at the northeast corner of Sisk Road and West Briggsmore Avenue is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duty seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002–226

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO IRRIGATION DISTRICT FOR THE INSTALLATION OF LANDSCAPING AND SIGNAGE ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF SISK ROAD AND WEST BRIGGSMORE AVENUE AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.

WHEREAS, the City of Modesto has expressed an interest in developing beautification projects around the community in an effort to enhance the community's appearance, and

WHEREAS, the Modesto Irrigation District owns property at the northeast corner of Sisk Road and West Briggsmore Avenue, and

WHEREAS, the aforementioned property owned by the Modesto Irrigation District has been identified by the City of Modesto as an attractive site for landscaping and a welcoming sign to the community, and

WHEREAS, the Modesto Irrigation District has agreed to allow for the installation and maintenance of landscaping, an irrigation system, and signage on said property, and

WHEREAS, the Community Development & Housing Committee reviewed and approved the project on March 20, 2002,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Modesto Irrigation District for the installation of landscaping and signage on property located at the northeast corner of Sisk Road and West Briggsmore Avenue is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duty seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich

MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-227

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT A REQUEST FOR BIDS FOR SOFTWARE LICENSING/ UPGRADES AND A TAPE BACK-UP SYSTEM.

WHEREAS, the Police Department has requested the purchase of software licensing/upgrades and a tape back-up system, and

WHEREAS, the software licensing/upgrades and tape back-up system are required for compliance with software licensing and more reliable system back-ups, and

WHEREAS, the anticipated cost of a software licensing/upgrades and tape back-up system will be approximately $70,000.00, and

WHEREAS, funding for said purchases is from the 2001 Local Law Enforcement Block Grant, and

WHEREAS, by soliciting competitive bids for the software licensing/upgrades and tape back-up system, the Finance Department-Purchasing Division will comply with the Modesto Municipal Code, Section 8-3.204, regarding formal bid procedures,

WHEREAS, at its meeting on February 28, 2002, the Financial Policy Committee reviewed and supported this item,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the formal solicitation of bids for the software licensing/upgrades and tape back-up system is hereby approved as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the software licensing/upgrades and tape back-up system to be opened in the office of the City Clerk, 1010 10TH Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-228

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT A REQUEST FOR BIDS FOR CONCRETE PICNIC TABLES.

WHEREAS, the Operations and Maintenance Department is responsible for maintaining the City park sites, and

WHEREAS, the Operations and Maintenance Department has requested the purchase of 188 new concrete picnic tables, and

WHEREAS, the tables will be used to replace existing tables which are deteriorating and add new tables to the Graceada and Davis Park pavilions, and

WHEREAS, the anticipated cost of concrete picnic tables will be approximately $90,000.00, and

WHEREAS, by soliciting competitive bids for the concrete picnic tables, the Finance Department-Purchasing Division will comply with the Modesto Municipal Code, Section 8-3.204, regarding formal bid procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the formal solicitation of bids for new concrete picnic tables is hereby approved as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for concrete picnic tables to be opened in the office of the City Clerk, 1010 10TH Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-229

A RESOLUTION APPROVING A FIVE-YEAR AGREEMENT WITH MV TRANSPORTATION, INC. TO OPERATE THE MODESTO AREA EXPRESS (MAX) BUS SERVICE AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE AGREEMENT.

WHEREAS, the existing agreement with Laidlaw Transit Services to operate the Modesto Area Express (MAX) bus service expires May 31, 2002, and

WHEREAS, the City wishes to continue providing bus service to the citizens of Modesto, and

WHEREAS, the City Council authorized staff to solicit proposals for a new five-year contract to be effective June 1, 2002, and

WHEREAS, four proposals were received for the contract, and

WHEREAS, MV Transportation, Inc. submitted the lowest price for the five-year contract, and

WHEREAS, certain Councilmembers, having personally experienced the service levels of Laidlaw, found them less than satisfactory, and

WHEREAS, the RFP (pg. A-2, para. c) reserved to the City Council the right to award a contract to the proposer best suiting the City's needs as determined by the Council, whether or not the City Council's choice is consistent with staff's recommendation for the award, and

WHEREAS, the City reserved the right to be the sole judge of the responsibility and suitability of any proposer, and

WHEREAS, the City Council determined that MV Transportation, Inc. would provide an acceptable level of service,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the negotiation of a five-year operations contract with MV Transportation, Inc. on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to negotiate the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Fisher, Keating
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, CITY ATTORNEY

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-230

A RESOLUTION APPROVING SPECIFIC PLAN AMENDMENT NO. SPA 2001-003 TO THE VILLAGE ONE SPECIFIC PLAN TO MOVE 4.1 ACRES LOCATED AT THE NORTHEAST CORNER OF HILLGLEN AND ESTA AVENUES FROM PRECISE PLAN AREA NO. 6 TO PRECISE PLAN AREA NO. 7 (K-D LAND & CATTLE INVESTMENTS, INC.).

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt specific plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A adopted the Village One Specific Plan, to guide the development 1,780 acres located in northeast Modesto, and

WHEREAS, Government Code Section 65453 permits the amendment of specific plans as often as deemed necessary by the legislative body, and

WHEREAS, the City Council on June 18, 1991, by Resolution No. 91-405, adopted Specific Plan Amendment No. 1 to the Village One Specific Plan to adopt an amended Affordable Housing Program, and

WHEREAS, the City Council on May 5, 1992, by Resolution No. 92-222, adopted Specific Plan Amendment No. 2 to the Village One Specific Plan to improve technical correctness, readability, and comprehension, and

WHEREAS, the City Council on February 1, 1994, by Resolution No. 94-72, adopted Specific Plan Amendment No. 3 to the Village One Specific Plan to rewrite and reorganize the Plan to be more implementation oriented, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-297, certified the Final Supplemental EIR for Village One (SCH No. 90020181) which provided environmental analysis for the revisions in Specific Plan Amendment No. 4, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-298, adopted Specific Plan Amendment No. 4 to the Village One Specific Plan to widen Floyd Avenue from three-to-five lanes, realign the Claus/Sylvan intersection, delete the non-

potable water supply for public landscaping, and integrate mitigation monitoring into the Specific Plan, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-372, adopted Specific Plan Amendment No. 5 to the Village One Specific Plan to revise the Residential Design Policies for cul-de-sacs, alleys, garage orientation, and plan processing, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-373, adopted Specific Plan Amendment No. 6 to the Village One Specific Plan to revise the school and park sites within the Specific Plan and redistribute residential units among the Village One Precise Plan Areas, and

WHEREAS, the City Council on October 10, 1995, by Resolution No. 95-487, adopted Specific Plan Amendment No. 7 to the Village One Specific Plan to reduce costs and to implement recommendations to increase the marketability of development within the Village One area, and

WHEREAS, the City Council on May 14, 1996, by Resolution No. 96-245, adopted Specific Plan Amendment No. 7.1 to the Village One Specific Plan to delete the multiple-family development designation from Precise Plan Areas Nos. 8 and 33, and Resolution No. 26-246 to amend the Design Standard portion of the Village One Specific Plan pertaining to single-family dwelling setbacks and three-car garages, limited to Precise Plan Areas Nos. 8, 32, and 33, and

WHEREAS, the City Council on June 4, 1996, by Resolution No. 96-295, adopted Specific Plan Amendment No. 8 to the Village One Specific Plan to incorporate changes previously approved in Specific Plan Amendment No. 7 into the Specific Plan document itself, to make minor editorial changes to the Specific Plan, and to incorporate changes resulting from development of a revised Village One Facilities Master Plan, and

WHEREAS, the City Council on August 13, 1996, by Resolution No. 96-453, adopted Specific Plan Amendment No. 9 to the Village One Specific Plan to modify the standards for dwelling setbacks and three-car garages for the entire Specific Plan area, and

WHEREAS, the City Council on May 6, 1997, by Resolution No. 97-225, adopted Specific Plan Amendment No. 10 to the Village One Specific Plan to eliminate redun-

dancy with the General Plan Housing Element policies and to eliminate language that was too restrictive, and

WHEREAS, the City Council on June 3, 1997, by Resolution No. 97-300, adopted Specific Plan Amendment No. 11 to the Village One Specific Plan to exempt public facilities from precise plan requirements, to streamline the Specific Plan amendment process, and to provide minor clarification to various policies and diagrams, and

WHEREAS, the City Council on October 21, 1997, by Resolution No. 97-602, adopted Specific Plan Amendment No. 12 to the Village One Specific Plan to allow changes in public service providers, delete the requirement for a business park market study, revise Amtrak station language, revise the business park precise plan diagram, and allow regional commercial uses in the business park, and

WHEREAS, the City Council on February 17, 1998, by Resolution No. 98-97, adopted Specific Plan Amendment No. 13 to the Village One Specific Plan to redesignate 9.8 acres in Precise Plan Area No. 3 from Multi-Family Residential to Village Residential, and

WHEREAS, the City Council on August 17, 1999, by Resolution No. 99-416, adopted Specific Plan Amendment No. 14 to the Village One Specific Plan to modify the mix of land uses allowed in the southeast quadrant of Precise Plan Area No. 20, and

WHEREAS, K-D Land & Cattle Investments, Inc., filed an application to amend the Village One Specific Plan to move 4.1 acres located at the northeast corner of Hillglen and Esta Avenues from Precise Plan Area No. 6 to Precise Plan Area No. 7, and

WHEREAS, on February 25, 2002, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, regarding the Specific Plan Amendment No. 2001-003, and

WHEREAS, after said public hearing, the City of Modesto Planning Commission, by Resolution No. 2002-12, recommended to the City Council approval of Specific Plan Amendment No. 2001-003 to the Village One Specific Plan to move 4.1 acres, located at the northeast corner of Hillglen and Esta Avenues from Precise Plan Area No. 6 to Precise Plan Area No. 7, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on May 7, 2002, at 5:15 p.m. in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the Village One Specific Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that Specific Plan Amendment No. 2001-003 to the Village One Specific Plan to move 4.1 acres located at the northeast corner of Hillglen and Esta Avenues from Precise Plan Area No. 6 to Precise Plan Area No. 7 is consistent with the Modesto Urban Area General Plan.

BE IT FURTHER RESOLVED by the Council that it hereby approves Specific Plan Amendment No. 2001-03 to the Village One Specific Plan as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to send certified copies of this resolution and said amendment to the Village One Specific Plan to the Board of Supervisors of the County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Frohman
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

PRECISE PLAN AREA #6
(Figure III-7)

1.	Acreage:	36.0 ~~40.1~~ Acres	(of which 0.0 acres is devoted to noise setback area)
2.	Land Use Intensity		
	a. Very Low Density Residential:	36.0 Acres	(of which 0.0 acres is devoted to noise setback area)
	~~b. Village Residential:~~	~~4.1 Acres~~	

3. Special Considerations

The Precise Plan shall incorporate the following policies:

a. Within Sub-area "A", single-family residential uses with a ½-acre minimum lot size shall be allowed. A maximum of 72 total single-family dwelling units shall be allowed.

~~b. Within Sub-area "B", only single-family residential uses shall be allowed.~~

~~i. The average number of dwelling units is 20.~~

c. Further development within sub-area "A" shall conform to the R-1 standards except that the minimum lot size shall be ½ acre.

d. Existing lots fronting on Sylvan Avenue may continue to receive direct access on to Sylvan Avenue. However, any new subdivision of these lots must provide alternative access.

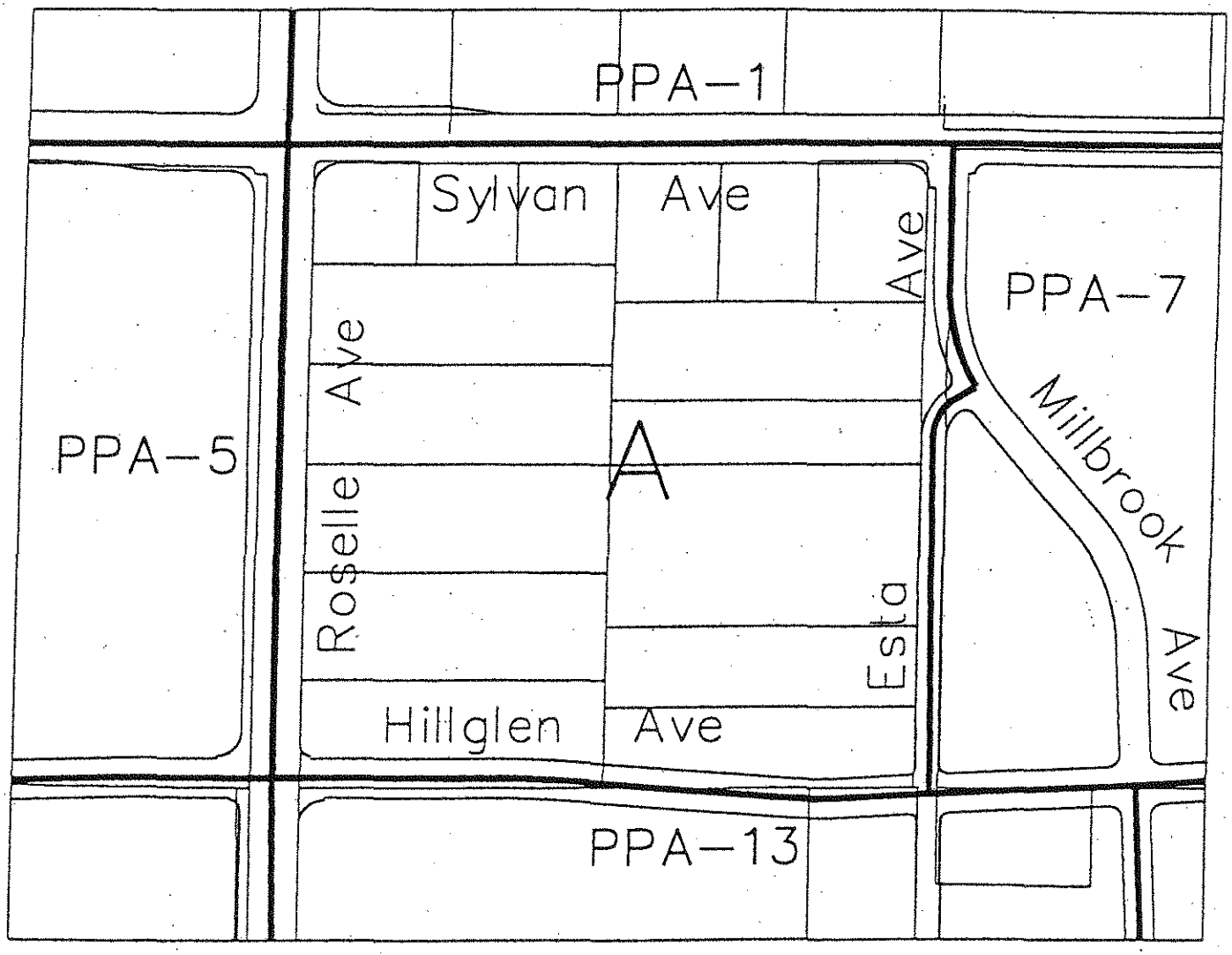
4. Principal Underlying Zone(s)

5. Sub-area "A" – R-1, Low-Density Residential, ½-acre minimum lot size.

~~6. Sub-area "B" – R-1, Low-Density Residential~~

Figure III - 7

Precise Plan Area #6



PRECISE PLAN AREA #7
(Figure III-8)

1.	Acreage:	32.1 ~~28.0~~ Acres	(of which 0.0 acres is devoted to noise setback area)
2.	Land Use Intensity		
	a. Village Residential:	32.1 ~~28.0~~ Acres	(of which 0.0 acres is devoted to noise setback area)

3. Special Considerations

The Precise Plan shall incorporate the following policies:

a. Within the Precise Plan Area, only single-family residential uses shall be allowed.

i. The average number of dwelling units is 160 ~~140~~.

b. Development in this Precise Plan Area shall conform to the "Noise Mitigation for Residential Precise Plan Areas" policy presented in Section III-D (12).

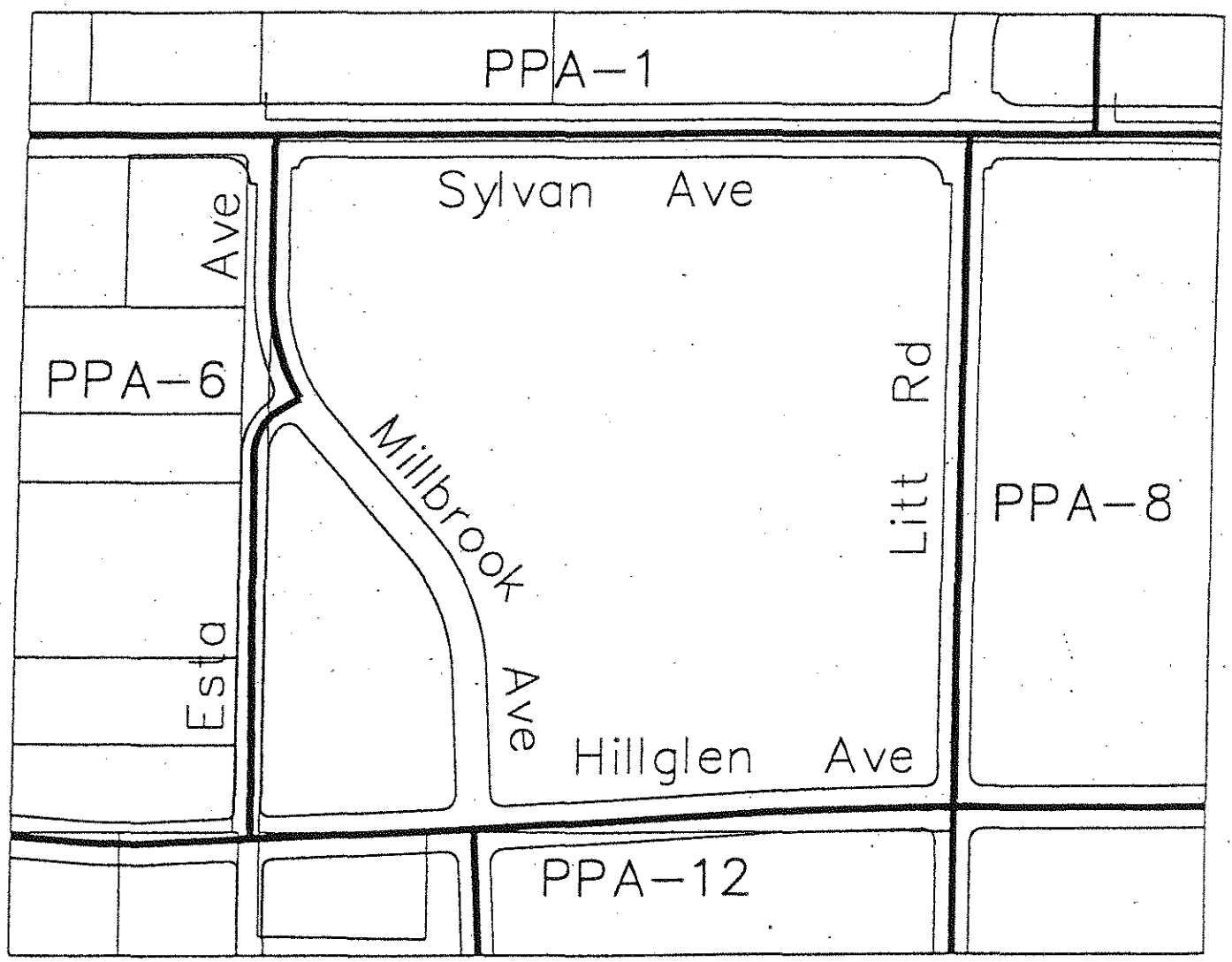
c. The Precise Plan shall provide pedestrian access to the High School/Community Park to the north via a pedestrian over-crossing. The pedestrian over-crossing design should minimize impact to existing residences in Precise Plan Area #6 yet provide access for students from surrounding residential areas.

4. Principal Underlying Zone(s)

a. ~~Sub-area "A"~~ R-1, Low-Density Residential

Figure III - 8

Precise Plan Area #7



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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-231

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: SPECIFIC PLAN AMENDMENT NO. 2001-003 TO THE VILLAGE ONE SPECIFIC PLAN TO MOVE 4.1 ACRES FROM PRECISE PLAN AREA NO. 6 TO PRECISE PLAN AREA NO. 7, PROPERTY LOCATED AT THE NORTHEAST CORNER OF HILLGLEN AND ESTA AVENUES. (K-D LAND & CATTLE INVESTMENTS, INC.)

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report ("EIR") (State Clearinghouse No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ('CEQA") Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, an application has been filed by K-D Land & Cattle Investments, Inc. for an amendment to the Village One Specific Plan, to move 4.1 acres from Precise Plan Area No. 6 to Precise Plan Area No. 7, property located at the northeast corner of Hillglen and Esta Avenues, and

WHEREAS, the City's Community Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/CDD 2001-84, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 2002-12, adopted on February 25, 2002, and City staff, by a report dated April 16, 2002, from the Community Development Department, recommended to the City Council approval of Specific Plan Amendment No. 2001-003 to the Village One Specific Plan to move 4.1 acres from Precise Plan Area No.6 to Precise Plan Area No.7, property located at the northeast corner of Hillglen and Esta Avenues, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on May 7, 2002, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/CDD 2001-84, entitled "City of Modesto Initial Study Amendments to the Village One Specific Plan & Precise Plan Area No. 7, and Vesting Tentative Subdivision Map", for the proposed project, and the Council hereby makes the following findings:

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new environmental document or findings are required by CEQA.

2. The project will have no new effects that were not examined in the Program EIR, as amended by the Village One Supplemental EIR, and no new mitigation measures would be required.

3. There are no substantial changes proposed in the project that will require major revisions of the Program EIR as amended by the Village One Supplemental EIR.

4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

5. No new information, which was not known and could not have been known at the time the Program EIR was certified as complete, has become available.

6. There are no specific features that are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.

7. All feasible mitigation measures set forth in the Program EIR that are appropriate to the project shall be incorporated in the project.

8. The initial study, Environmental Assessment No. EA/CDD 2001-84, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 2001-84, entitled "City of Modesto Initial Study Amendments to the Village One Specific Plan & Precise Plan Area No. 7, and Vesting Tentative Subdivision Map", is attached hereto as **Exhibit "A"**, and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Frohman
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

INITIAL STUDY

EA/CDD NO. 2001-84

City of Modesto

Initial Study

Amendments to the Village One Specific Plan & Precise Plan Area No. 7, and Vesting Tentative Subdivision Map

EA/CDD 2001-84
December 17, 2001

I. PURPOSE

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Sections 15168(c) and 15182 of the CEQA Guidelines allow the approval of subsequent projects within the scope of the Program EIR without further environmental review, provided the following findings are made:

A. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.

B. The project will have no new effects that were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.

C. There are no substantial changes proposed in the project that will require major revisions of the Village One Specific Plan Program EIR.

D. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR.

E. No new information, which was not known and could not have been known at the time the Village One Specific Plan Program EIR was certified as complete, has become available.

F. All feasible mitigation measures set forth in the Program EIR that are appropriate to the project shall be incorporated in the project.

The purpose of this initial study is to provide the substantial evidence to support the above findings.

II. PROJECT DESCRIPTION

A. Project title:
Amendments to the Village One Specific Plan & Precise Plan No. 7, and associated Vesting Tentative Subdivision Map

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:
Brad Wall, Community Development Department, (209) 577-5287

D. Project Location:
The project is located at the northeast corner of Esta Avenue and Hillglen Avenue.

E. Project Sponsor:
O'Dell Engineering, 1101 M Street, Modesto CA 95354

F. General Plan Designation:
Village Residential (VR)

G. Current Zoning:
Specific Plan-Holding (SP-H) Zone

H. Description of Proposed Project:
This is an amendment to the Village One Specific Plan, and Precise Plan Area No. 7, to redesignate 4.1 acres from Precise Plan Area No. 6 to Precise Plan Area No. 7, and to subdivide this area into 19 lots for single-family residential development.

I. Surrounding land uses:
The project is bounded on the west and south by existing ranchette parcels, and on the north and east by single-family residential subdivisions.

J. Other public agencies whose approval is required: None

III. ANALYSIS OF CONFORMANCE WITH SECTION 15168(C) FINDINGS

Following is an analysis of how the project is within the scope of the Village One Program EIR and how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, broken down by each impact area identified in the Village One Program EIR:

A. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity. It also provides a circulation system in accordance with the Specific Plan. Therefore, impacts to traffic and circulation for this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

B. Degradation of Air Quality

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Air quality impacts for this project are directly related to traffic impacts. Because traffic impacts for this project are within the scope of those in the Village One EIR, air quality impacts are also within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

C. Generation of Noise

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity. Therefore, the noise impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

D. Vegetation and Wildlife

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The project is located in an area analyzed by the Village One EIR for residential development. Therefore, the impacts to vegetation and wildlife of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

E. Land Use

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

F. Population, Employment and Housing

Impacts to population, employment and housing are analyzed on pages III-95 through III-99 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to population, employment and housing of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

G. Urban Design and Visual Quality

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The proposed project is consistent with the Village One Specific Plan in terms of land use, intensity and urban design, and includes landscaped setbacks along the surrounding streets, as required by the Specific Plan. Therefore, the impacts to urban design and visual quality of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

H. Geology and Soils

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to geology and soils of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

I. Hydrology

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and includes the necessary storm drainage systems required by the Specific Plan. Therefore, the impacts to hydrology of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

J. Public Services

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and would not create any additional demand for public services that are in excess of those analyzed by the Village One EIR. Therefore, the impacts to public services of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

K. Fiscal Impacts

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the fiscal impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

L. Cumulative Impacts

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use intensity. Therefore, the cumulative impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

M. Growth Inducing Impacts

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the growth-inducing impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

IV. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS

A. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Village One Program EIR.

B. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there is no new information, which was not known at the time the Program EIR was certified, has become available, that would change the conclusions of the EIR.

V. MITIGATION MEASURES

Since the project is within the scope of the Village One Specific Plan Program EIR, there are no additional mitigation measures needed for the project. All feasible mitigation measures set forth in the Program EIR that are appropriate to the project shall be incorporated in the project.

VI. CONCLUSIONS/DETERMINATIONS OF FINDINGS

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.

2. The project will have no new effects that were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.

3. There are no substantial changes proposed in the project that will require major revisions of the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

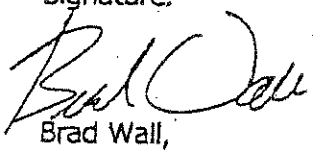
5. No new information, which was not known and could not have been known at the time the Village One Specific Plan Program EIR was certified as complete, has become available.

6. There are no specific features that are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.

7. All feasible mitigation measures set forth in the Program EIR that are appropriate to the project shall be incorporated in the project.

8. This initial study provides the substantial evidence to support the above findings.

Signature:



Brad Wall,
Associate Planner

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-232

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: AMENDING THE PRECISE PLAN FOR AREA NO. 7 TO MOVE 4.1 ACRES FROM PRECISE PLAN AREA NO. 6 TO PRECISE PLAN AREA NO. 7, PROPERTY LOCATED AT THE NORTHEAST CORNER OF HILGLEN AND ESTA AVENUES. (K-D LAND & CATTLE INVESTMENTS, INC.)

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report ("EIR") (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, an application has been filed by K-D Land & Cattle Investments, Inc., for an amendment to Precise Plan No. 7, to move 4.1 acres from Precise Plan Area No. 6 to Precise Plan Area No. 7, property located at the northeast corner of Hillglen and Esta Avenues, and

WHEREAS, the City's Community Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/CDD 2001-84, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 2002-13, adopted on February 25, 2002, and City staff, by a report dated April 8, 2002, from the Community Development Department, recommended to the City Council approval of an amendment to Precise Plan No. 7 as set forth in said Resolution No. 2002-13, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 16, 2002, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/CDD 2001-84, entitled "City of Modesto Initial Study Amendments to the Village One Specific Plan & Precise Plan Area No. 7, and Vesting Tentative Subdivision Map", for the proposed project, and the Council hereby makes the following findings:

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new environmental document or findings are required by CEQA.

2. The project will have no new effects that were not examined in the Program EIR, as amended by the Village One Supplemental EIR, and no new mitigation measures would be required.

3. There are no substantial changes proposed in the project that will require major revisions of the Program EIR as amended by the Village One Supplemental EIR.

4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

5. No new information, which was not known and could not have been known at the time the Program EIR was certified as complete, has become available.

6. There are no specific features that are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.

7. All feasible mitigation measures set forth in the Program EIR that are appropriate to the project shall be incorporated in the project.

8. The initial study, Environmental Assessment No. EA/CDD 2001-84, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 2001-84, entitled "City of Modesto Initial Study Amendments to the Village One Specific Plan & Precise Plan Area No. 7, and Vesting Tentative Subdivision Map", is attached hereto as Exhibit "A", and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 2002, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Frohman
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

INITIAL STUDY

EA/CDD NO. 2001-84

City of Modesto

Initial Study

Amendments to the Village One Specific Plan & Precise Plan Area No. 7, and Vesting Tentative Subdivision Map

EA/CDD 2001-84
December 17, 2001

I. PURPOSE

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Sections 15168(c) and 15182 of the CEQA Guidelines allow the approval of subsequent projects within the scope of the Program EIR without further environmental review, provided the following findings are made:

A. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.

B. The project will have no new effects that were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.

C. There are no substantial changes proposed in the project that will require major revisions of the Village One Specific Plan Program EIR.

D. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR.

E. No new information, which was not known and could not have been known at the time the Village One Specific Plan Program EIR was certified as complete, has become available.

F. All feasible mitigation measures set forth in the Program EIR that are appropriate to the project shall be incorporated in the project.

The purpose of this initial study is to provide the substantial evidence to support the above findings.

II. PROJECT DESCRIPTION

A. Project title:
Amendments to the Village One Specific Plan & Precise Plan No. 7, and associated Vesting Tentative Subdivision Map

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:
Brad Wall, Community Development Department, (209) 577-5287

D. Project Location:
The project is located at the northeast corner of Esta Avenue and Hillglen Avenue.

E. Project Sponsor:
O'Dell Engineering, 1101 M Street, Modesto CA 95354

F. General Plan Designation:
Village Residential (VR)

G. Current Zoning:
Specific Plan-Holding (SP-H) Zone

H. Description of Proposed Project:
This is an amendment to the Village One Specific Plan, and Precise Plan Area No. 7, to redesignate 4.1 acres from Precise Plan Area No. 6 to Precise Plan Area No. 7, and to subdivide this area into 19 lots for single-family residential development.

I. Surrounding land uses:
The project is bounded on the west and south by existing ranchette parcels, and on the north and east by single-family residential subdivisions.

J. Other public agencies whose approval is required: None

III. ANALYSIS OF CONFORMANCE WITH SECTION 15168(C) FINDINGS

Following is an analysis of how the project is within the scope of the Village One Program EIR and how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, broken down by each impact area identified in the Village One Program EIR:

A. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity. It also provides a circulation system in accordance with the Specific Plan. Therefore, impacts to traffic and circulation for this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

B. Degradation of Air Quality

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Air quality impacts for this project are directly related to traffic impacts. Because traffic impacts for this project are within the scope of those in the Village One EIR, air quality impacts are also within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

C. Generation of Noise

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity. Therefore, the noise impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

D. Vegetation and Wildlife

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The project is located in an area analyzed by the Village One EIR for residential development. Therefore, the impacts to vegetation and wildlife of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

E. Land Use

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

F. Population, Employment and Housing

Impacts to population, employment and housing are analyzed on pages III-95 through III-99 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to population, employment and housing of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

G. Urban Design and Visual Quality

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The proposed project is consistent with the Village One Specific Plan in terms of land use, intensity and urban design, and includes landscaped setbacks along the surrounding streets, as required by the Specific Plan. Therefore, the impacts to urban design and visual quality of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

H. Geology and Soils

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to geology and soils of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

I. Hydrology

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and includes the necessary storm drainage systems required by the Specific Plan. Therefore, the impacts to hydrology of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

J. Public Services

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and would not create any additional demand for public services that are in excess of those analyzed by the Village One EIR. Therefore, the impacts to public services of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

K. Fiscal Impacts

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the fiscal impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

L. Cumulative Impacts

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use intensity. Therefore, the cumulative impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

M. Growth Inducing Impacts

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the growth-inducing impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

IV. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS

A. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Village One Program EIR.

B. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there is no new information, which was not known at the time the Program EIR was certified, has become available, that would change the conclusions of the EIR.

V. MITIGATION MEASURES

Since the project is within the scope of the Village One Specific Plan Program EIR, there are no additional mitigation measures needed for the project. All feasible mitigation measures set forth in the Program EIR that are appropriate to the project shall be incorporated in the project.

VI. CONCLUSIONS/DETERMINATIONS OF FINDINGS

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.

2. The project will have no new effects that were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.

3. There are no substantial changes proposed in the project that will require major revisions of the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

5. No new information, which was not known and could not have been known at the time the Village One Specific Plan Program EIR was certified as complete, has become available.

6. There are no specific features that are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.

7. All feasible mitigation measures set forth in the Program EIR that are appropriate to the project shall be incorporated in the project.

8. This initial study provides the substantial evidence to support the above findings.

Signature:

Brad Wall,
Associate Planner

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-233

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER WILL O'BRYANT AND COUNCILMEMBER JANICE KEATING TO THE JPA GOVERNING BOARD FOR TENTH STREET PLACE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto,

WHEREAS, the recent election left vacancies on several boards and committees.

WHEREAS, the Tenth Street Place JPA Agreement calls for the creation of a governing board which includes two members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements.

WHEREAS, the term of offices for the councilmembers serving on these committees have expired,

NOW, THEREFORE, be it resolved, that Councilmember WILL O'BRYANT and Councilmember JANICE KEATING are appointed as the City Council representative to the Tenth Street Place Joint Powers Agency.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-234

A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR SABATINO AND COUNCILMEMBER DENNY JACKMAN TO THE JPA GOVERNING BOARD FOR THE TUOLUMNE RIVER REGIONAL PARK

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto,

WHEREAS, the recent election left vacancies on several boards and committees.

WHEREAS, the Tuolumne River Regional Park JPA Agreement calls for the creation of a governing board which includes two members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements.

WHEREAS, the term of offices for the councilmembers serving on these committees have expired,

NOW, THEREFORE, be it resolved, that Mayor CARMEN SABATINO and Councilmember DENNY JACKMAN are appointed as the City Council representative to the Tuolumne River Regional Park Joint Powers Agency.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-235

A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR SABATINO AND COUNCILMEMBER TIM FISHER and COUNCILMEMBER JANICE KEATING AS ALTERNATE TO THE JPA GOVERNING BOARD FOR THE WASTE TO ENERGY

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto,

WHEREAS, the recent election left vacancies on several boards and committees.

WHEREAS, the Waste to Energy JPA Agreement calls for the creation of a governing board which includes two members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements.

WHEREAS, the term of offices for the councilmembers serving on these committees have expired,

NOW, THEREFORE, be it resolved, that Mayor CARMEN SABATINO and Councilmember TIM FISHER are appointed as the City Council representative and Councilmember JANICE KEATING as alternate to the Waste to Energy Joint Powers Agency.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-236

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO APPOINTING MEMBERS TO THE ECONOMIC DEVELOPMENT (ED) COMMITTEE FOR THE "STANISLAUS COUNTY ECONOMIC DEVELOPMENT STRATEGY AND MARKETING PLAN".

WHEREAS, as a continuation of the regional, County-wide efforts for the expansion of economic development, the City of Modesto has joined with Stanislaus County, SCEDCO, the WIB and seven county cities to embark on an economic development project, and

WHEREAS, the purpose of said project is to create a series of County-wide economic development plans incorporated into sound marketing strategies, and

WHEREAS, the "Stanislaus County Economic Development Strategy and Marketing Plan" is being produced by a professional team of economic development firms including ESI Corporation (coordination and general economic development), Paragon Decision Resources (site location specialists) and Chabin Concepts (marketing), and

WHEREAS, as an integral part of said project an Economic Development Committee should be formed in Modesto to provide input from both the public and private sectors, and

WHEREAS, staff is recommending an Economic Development Committee be appointed by the City Council and be comprised of members of the local government, local public agencies and the private sector. Said ED Committee membership list is attached as "EXHIBIT A" and made a part hereof by this reference.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby appoints said ED Committee pursuant to the attached "Exhibit A" as well as an appointment made by each Councilmember.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 7th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST Jean Zahr
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By
Michael D. Milich, City Attorney

PROPOSED

ESI Economic Development Study
Modesto Economic Development Committee

City of Modesto staff:

1. **Mayor Carmen Sabatino** ***(or designee)*** - Modesto City Council
2. **George W. Britton,** Deputy City Manager, City of Modesto
3. **Brad Kilger,** Community & Economic Development Director, City of Modesto
4. **Linda Boston,** Business Development Manager, City of Modesto

Other Agencies:

5. **Stan Little** - Stanislaus Partners in Education (SPIE), Executive Director
6. **Chris Mayer** - Modesto Irrigation District, Assistant General Manager, Planning & Marketing
7. **Gary Dickson** - Stanislaus Council of Governments (StanCOG), Director
8. **George Boodrookas** - Modesto Junior College, Dean of Economic Development
9. **Gary Plummer** – Modesto Chamber of Commerce, Director
10. **David Boring** - Downtown Improvement District (DID), DID Board Vice-chair
11. **Carletta Steele** - Calif. Employment Development Department, - Manager
12. **Jim Sweeney** - San Joaquin Valley Unified Air Pollution Control Dist, Permits Svcs Mgr

Private Sector:

13. **Dave Olson** – Ocat, Inc., Vice-President
14. **Randy Brekke** - Brekke Real Estate, Inc., Owner
15. **Brian Velthoen** – Velthoen Associates Commercial Brokers, Owner
16. **Evans Hammond** – DOT Foods, Plant Manager
17. **Dennis Wilson** - Horizon Consulting Services, Co-owner
18. **Lorne Truscott** - Panelized Structures, Vice-president of Finance
19. **Cliff Oilar** - Foster Farms - Dairy Division, Human Resources Director

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-237

A RESOLUTION AUTHORIZING STAFF TO ISSUE A 30-DAY WRITTEN NOTICE OF DEFAULT AND OPPORTUNITY TO CURE TO DESARROLLO LATINO AMERICANO, INC.

WHEREAS, in 1999, the City used Community Development Block Grant funds to purchase four lots in the Airport Neighborhood, and

WHEREAS, on December 20, 2000, the City deeded these lots to Desarrollo Latino Americano, Inc. (DLA) for development of new low-income single-family homes, and

WHEREAS, the property transfer agreement contained many terms and conditions that both City and DLA agreed upon, and

WHEREAS, DLA has failed to comply with terms of the agreement, and

WHEREAS, staff is now recommending that a 30-day written Notice of Default and Opportunity to Cure be issued to Desarrollo Latino Americano, Inc., and

WHEREAS, the Citizens Housing and Community Development Committee met on February 22, 2002, and supported the recommendation to issue DLA the 30-day Notice of Default and Opportunity to Cure,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to issue a 30-day written Notice of Default and Opportunity to Cure to Desarrollo Latino Americano, Inc.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By: Michael Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-238

A RESOLUTION APPROVING A TWO (2) YEAR EXCLUSIVE AGREEMENT BETWEEN THE CITY OF MODESTO AND DITTOS (PINNACLE SOLUTIONS INC., MODESTO, CA) ALLOWING DITTOS TO BUILD AND MAINTAIN AN ONLINE CITY OF MODESTO STORE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, Citizens of Modesto have inquired as to where they could purchase City of Modesto logo clothing, and

WHEREAS, the City Manager has requested that the Purchasing Division of the Finance Department investigate the feasibility of an online City of Modesto store to sell logo clothing and promotional items, and

WHEREAS, the online store is a cost effective, eCommerce business solution for making City of Modesto logo clothing and other promotional items available to City of Modesto employees and citizens, while eliminating the need to use City resources for warehousing and shipping of said items, and

WHEREAS, the online store is directly in line with Action Plan IV.A.4 of the Strategic Plan, "To increase awareness of, and exposure to, technology, for all Modestans", and

WHEREAS, the online store shall be built and maintained by Dittos (Pinnacle Solutions Inc., Modesto CA.), and

WHEREAS, Dittos has agreed to bear all apparel-related inventory costs, and

WHEREAS, the estimated first year startup and maintenance costs shall be approximately $3,600.00 with following years' ongoing maintenance costs estimated to be approximately $1,500.00, and

WHEREAS, by Resolution No 2002-27, Council authorized the City Manager to negotiate an agreement with Dittos (Pinnacle Solutions Inc., Modesto, CA) for Dittos to build and maintain an online City of Modesto store,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a two (2) year exclusive agreement with Dittos (Pinnacle Solutions Inc., Modesto, CA), for Dittos to build and maintain an online City of Modesto store.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By:
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-239

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT A REQUEST FOR BIDS FOR VARIABLE FREQUENCY DRIVES.

WHEREAS, the Operations and Maintenance Department is responsible for maintaining the City water systems, and

WHEREAS, the Operations and Maintenance Department has requested the purchase of variable frequency drives which are used to stabilize water pressure within the water system, and

WHEREAS, the variable frequency drives will be used to replace existing drives which are failing, and

WHEREAS, the anticipated cost of variable frequency drives will be approximately $75,000.00 annually, and

WHEREAS, by soliciting competitive bids for the variable frequency drives, the Finance Department-Purchasing Division will comply with the Modesto Municipal Code, Section 8-3.204, regarding formal bid procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the formal solicitation of bids for new variable frequency drives is hereby approved as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for variable frequency drives to be opened in the office of the City Clerk, 1010 10TH Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

2002-240

WAS NOT USED

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-241

A RESOLUTION APPROVING AN AGREEMENT WITH RRM DESIGN GROUP TO PROVIDE ARCHITECTURAL SERVICES FOR THE DESIGN OF FIRE STATION NO. 11 AT THE SOUTHWEST CORNER OF PELANDALE AVENUE AND CARVER ROAD

WHEREAS, there has been rapid growth in the northwest portion of the City, and

WHEREAS, the City wishes to maintain an effective emergency response system, and

WHEREAS, the City has met with the immediate neighbors to the proposed fire station and the proposal received a favorable response, and

WHEREAS, the Public Safety Committee approved the proposed location on January 4, 2001, and

WHEREAS, City staff does not have the expertise nor the person hours available to complete the design of Fire Station No. 11 in a timely manner, and

WHEREAS, A selection committee has:

Requested statements of qualifications from over 70 architectural firms

Reviewed statements of qualifications from 11 firms

Requested proposals from 3 architectural firms

Reviewed proposals, conducted interviews, and ranked the 3 firms, and

WHEREAS, Staff has negotiated a contract with the top ranked firm,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with RRM Design Group to provide architectural services for the design of Fire Station No. 11.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-242

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 93042004) RELATING TO THE APPROVAL OF THE PELANDALE/SNYDER SPECIFIC PLAN: DESIGN AND CONSTRUCT FIRE STATION NO. 11

WHEREAS, on January 16, 1996, by Resolution No. 96-22, the City Council of the City of Modesto certified the Final Environmental Impact Report "EIR" (SCH No. 93042004) for the Pelandale/Snyder Specific Plan, and

WHEREAS, Section 21166 of the Public Resources Code provides that the lead agency not require a subsequent or supplemental EIR for a project where an EIR has already been certified, unless the lead agency finds that substantial changes are proposed that will require major revisions of the EIR, substantial changes have occurred with respect to the circumstances under which the project is being undertaken, or new information becomes available that would change the conclusions of the EIR, and

WHEREAS, the Engineering and Transportation Department, by Initial Study, EA/CDD 2002 - 05, reviewed the proposed design and construction of Fire Station No. 11, and made the determination that there are no substantial changes proposed in the project which will require major revisions in the Final EIR, that no substantial changes have occurred in the circumstances under which the project is being undertaken, and that there is no new information that would change the conclusions of the Final EIR, and

WHEREAS, on May 14, 2002, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed design and construction of Fire Station No. 11, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. There are no substantial changes proposed in the project, which will require major revisions of the Pelandale/Snyder Specific Plan.

2. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Pelandale/Snyder Specific Plan.

3. No new information, which was not known and could not have been known at the time the Pelandale/Snyder Specific Plan was certified as complete, has become available.

4. This initial study, EA/CDD 2002-05 provides substantial evidence to support finds 1, 2, and 3 above.

5. The proposed project is consistent with the Modesto Urban Area General Plan and the Pelandale-Snyder Specific Plan.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a notice of approval or determination within five (5) days with the Stanislaus County Clerk pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant,
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich
MICHAEL D. MILICH, City Attorney

City of Modesto

Initial Study

DESIGN AND CONSTRUCT FIRE STATION No. 11

EA/CDD 2002- 05
April 5, 2002

I. PURPOSE

On January 16, 1996, the Modesto City Council certified a Final Environmental Impact Report for the Pelandale/Snyder Specific Plan (SCH# 93042004). This EIR provides analysis of the impacts of build-out of the Pelandale/Snyder Specific Plan, which includes the area in which the Fire Station No. 11 (project) is proposed. This EIR analyzed the environmental impacts of the planned development of the Pelandale/Snyder Specific Plan area which includes construction of a Fire Station .

Section 15162 of the CEQA Guidelines states that when an EIR has been certified for a project no subsequent EIR shall be prepared for that project, if the following findings can be made:

A. No substantial changes are proposed in the project which will require major revisions of the previous environmental impact report.

B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the previous environmental impact report.

C. No new information of substantial importance, which was not known and could not have been known at the time the previous environmental impact report was certified as complete, becomes available.

The purpose of this Initial Study is to provide the substantial evidence for the above findings.

II. PROJECT DESCRIPTION

A. Project title:
Design and Construct Fire Station No.11

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:
Norman Buus, City of Modesto, Engineering and Transportation Department, (209) 577-5399

D. Project Location:
The Pelandale/Snyder Specific Plan area, at the southwest corner of Carver Road and Pelandale Expressway.

E. Project Sponsor:
City of Modesto, 1010 Tenth Street, Modesto, CA 95354

F. General Plan Designation:
Village Residential (VR)

G. Current Zoning:
Specific Plan-Holding (SP-O) Zone

H. Description of Proposed Project:

Growth in the northwest portion of Modesto has made it desirable to construct a new fire station in the area. The City of Modesto acquired property at the southwest corner of Pelandale Avenue and Carver Road for the construction of the Pelandale Expressway. The remaining portion of the property can be utilized to construct a new fire station Expressway (see attached location map). The fire station will initially house a single engine company, but will be capable of housing an additional truck or ambulance. Three on-duty personnel will initially staff the Fire Station, but the living quarters will be designed for up to 8 on-duty staff

I. Surrounding land uses:
The project is adjoined on the north by a currently-developing single-family subdivision, on the east by vacant parcels with approved tentative subdivision maps, and to the south and west by agricultural parcels designated in the Village One Specific Plan for residential development.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH SECTION 15162 FINDINGS

A. No substantial changes are proposed in the project which will require major revisions of the previous environmental impact reports

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Final Environmental Impact Report for the Pelandale/Snyder Specific Plan:

Land Use

Impacts to Land Use, Consistency with Plans and Policies and Agriculture are discussed on pages 33 through 36 of the Pelandale/Snyder Final EIR. The proposed Fire station's land use is consistent with the Specific Plan. Figure 5, the Specific Plan's Land Use Diagram, page 2-2 shows a fire station planned for the area. Specific Plan Policy F.1.a states : " A ¾ acre fire station site shall be reserved in the vicinity of the intersection of the Pelandale Expressway and Tully Road. Utilization of the remnant parcel resulting from the Expressway alignment shall be considered for said use." The proposed site is at an intersection with the Pelandale Expressway and is a remanant parcel from the Expressway alignment.

Compatibility with the adjacent single-family residential uses will be ensured through appropriate building and site design. Fire Department outreach to the existing neighborhood has resulted in design input to minimize the effect of ongoing fire dept. maintenance activities. The proposed Fire Station No. 11 is consistent with the Specific Plan's land use policies. Therefore, impacts to Land Use for this project are consistent with the analysis presented in the Pelandale/ Snyder Specific Plan EIR.

Population, Employment & Housing

Impacts to Population, Employment, and Housing is discussed on Pages 42 through 45 of the Pelandale/Snyder Specific Plan Final EIR. Since the fire station would generate only 3 to 8 employees living on-site, the proposed land use does not generate a significant amount of population, employment, or housing. The Fire Station is consistent with the Pelandale/Snyder Specific Plan. Therefore, impacts to Population, Employment and Housing for this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

Traffic and Circulation

Impacts to traffic and circulation are discussed on pages 45 through 94 of the Pelandale/Snyder Final EIR. Appropriate traffic control and safety measures would be installed to ensure that the level of service on Pelandale Expressway and Carver Road is maintained. Therefore, impacts to traffic and circulation for this project are consistent with the analysis presented in the the Pelandale/Snyder Specific Plan EIR and Kiernan Business Park and Carver-Bangs Specific Plans EIR.

Noise

Noise Impacts to receptors from Specific Plan development are discussed on pages 95 through 109 of the Pelandale/Snyder Final EIR. The fire station proposed for design and construction is consistent with the Pelandale/Snyder Specific Plan in land use type and intensity. The site for the fire station will be located next to a high traffic and noise level Expressway. Residential units adjacent the expressway will receive appropriate noise mitigating construction to maintain City noise standards for interior and exterior living areas. An 8-foot masonry wall will be installed around the perimeter of the fire station to block any noise from its operation from surrounding residential areas. Also, screen tree plantings will be placed around the fire station site to provide additional noise buffer to the adjacent residential area. Therefore, impacts to Noise for this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR and Kiernan Business Park and Carver-Bangs Specific Plans EIR.

Air Quality

Impacts to air quality are analyzed on pages 110 through 126 of the Pelandale/Snyder Final EIR. Air quality impacts for this project are directly related to traffic impacts. Because the traffic impacts for development of the Fire Station are consistent with those in the Pelandale/Snyder Specific Plan, air quality impacts are also consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR Specific Plan EIR.

Biology

Impacts to Biological Resources including loss of Sensitive Wildlife and Plant Habitat are analyzed on pages through 127 through 129 of the Pelandale/Snyder Final EIR. Because the Fire Station proposed for design and construction is consistent with that described in the Pelandale/Snyder Specific Plan, resulting Biological Resources impacts and Loss of Sensitive Wildlife and Plant Habitat impacts are also consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

Geology/Soils

Impacts to geology and soils are analyzed by the Pelandale/Snyder Final EIR on pages 143 through 144. The fire station proposed to be designed and constructed by this project is consistent with the Pelandale/Snyder Specific Plan in terms of land use and intensity. Therefore, the impacts to geology and soils of this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

Hydrology, Drainage, Flooding and Water Quality

Hydrology, drainage, flooding and water quality impacts are analyzed on pages 137 through 141 of the Pelandale/Snyder Specific Plan Final EIR. The fire station proposed for design and construction is consistent with the Pelandale/Snyder Specific Plan in terms of land use, intensity and supporting infrastructure. Therefore, the impacts to hydrology and drainage, flooding and water quality of this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

Public Services

Impacts to public services are analyzed on pages 131 through 136 of the Pelandale/Snyder Final EIR. The Fire Station No. 11 proposed to be designed and constructed is consistent with the Pelandale/Snyder Specific Plan in terms of land use, intensity and its supporting infrastructure, and would not create any additional demand for public services that are in excess of those analyzed by the Pelandale/ Snyder Final EIR. The EIR identified the need for a fire station to address specific plan development. Page 133 DEIR - "Impact 4.8-3: the project will result in the need for an additional fire station". Also, Specific Plan policy F.1.a indicates:

> A ¾ acre fire station site shall be reserved in the vicinity of the intersection of the Pelandale Expressway and Tully Road. Utilization of the remnant parcel resulting from the Expressway alignment shall be considered for said use."

Analysis in the Pelandale/Snyder Final EIR was based on the above assumption that a fire station would be constructed in the vicinity of Pelandale Expressway and on land purchased for right of way, as is proposed by the Fire Station No. 11 project. Therefore, the impacts to public services of this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

Increased Demand for Water Supplies

Impacts to Increased demand for water supplies was analyzed on page 132 of the Pelandale/Snyder Final EIR. The Fire Station No. 11 proposed to be designed and constructed is consistent with the Pelandale/Snyder Specific Plan in terms of land use and intensity, and would not create any additional demand for water supplies that are in excess of those analyzed by the Pelandale/Snyder Final EIR. Therefore, the impacts to increased demand for water supplies of this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

Increased Demand for Sanitary Sewer Services

Impacts to increased demand for sanitary sewer services are analyzed on pages 131 through 132 of the Pelandale/Snyder Final EIR. The Fire Station No. 11 proposed to be designed and constructed is consistent with the Pelandale/Snyder Specific Plan in terms of land use and intensity, and would not create any additional demand for sanitary sewer services that are in excess of those analyzed by the Pelandale/Snyder Final EIR. Therefore, the impacts to increased demand for sanitary sewer services of this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

Increased Demand for Storm Drainage

Impacts to increased demand for storm drainage facilities are analyzed on pages 137 through 139 of the Pelandale/Snyder Final EIR. The Fire Station No. 11 proposed to be designed and constructed is consistent with the Pelandale/Snyder Specific Plan in terms of land use and intensity, and would not create any additional demand for storm drainage facilities in excess of those analyzed by the Pelandale/Snyder Final EIR. Therefore, the impacts to increased demand for storm drainage facilities of this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

Increased Demand for Schools

Impacts to increased demand for schools is analyzed on pages 134 and 135 of the Pelandale/Snyder Specific Plan EIR. The Fire Station No. 11 proposed to be financed by this Community Facilities District is consistent with the Pelandale/Snyder Specific Plan in terms of land use and intensity, and would not create any additional impacts to increased demand for schools that are in excess of those analyzed by the Pelandale/Snyder Final EIR. Therefore, the impacts to increased demand for schools of this project is consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

Increased Demand for Parks and Open Space

Impacts to increased demand for Parks and Open Space is analyzed on page 133 of the Pelandale/Snyder Specific Plan EIR. The Fire Station No. 11 development and infrastructure proposed to be financed by this Community Facilities District is consistent with the Pelandale/Snyder Specific Plan in terms of land use and intensity, and would not create any additional impacts to increased demand for schools that are in excess of those analyzed by the Pelandale/Snyder Final EIR. Therefore, the impacts to increased demand for of this project is consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

Cumulative Impacts

Cumulative impacts are analyzed in the General Plan Master EIR for the Pelandale/Snyder area. The land uses for development contained in the Pelandale/Snyder Specific Plan are consistent with the Land Uses contained in the General Plan and General Plan Master EIR, and thus, the analysis contained in the General Plan Master EIR. The Fire Station No. 11 that is proposed for design and construction is consistent with the land use designations in the specific plan. Therefore, the cumulative impacts of this project are consistent with the analysis presented in the General Plan Master EIR.

Growth Inducing Impacts

Growth inducing impacts are analyzed by the Pelandale/Snyder Final EIR on page 142. The development of Fire Station No. 11 proposed for design and construction by this project is consistent with the Pelandale/Snyder Specific Plan in terms of land use and intensity. Therefore, the growth-inducing impacts of this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

A. <u>No substantial changes are proposed in the project which will require major revisions of the environmental impact report.</u>

On January 16, 1996 , the Modesto City Council certified a Final Environmental Impact Report for the Pelandale/Snyder Specific Plan (SCH# 93042004). Since then, there have been no substantial changes with respect to the planned development or infrastructure proposed for the Pelandale/Snyder Specific Plan project under which this project is being undertaken which will require major revisions in either Pelandale/Snyder Specific Plan EIR.

B. <u>No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report</u>

On January 16, 1996 , the Modesto City Council certified a Final Environmental Impact Report for the Pelandale/Snyder Specific Plan (SCH# 93042004). Since then, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Pelandale/Snyder Specific Plan EIR.

C. No new information of substantial importance, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available

On January 16, 1996 , the Modesto City Council certified a Final Environmental Impact Report for the Pelandale/Snyder Specific Plan (SCH# 93042004). Since then, there is no new information of substantial importance, which was not known at the time the Pelandale/Snyder Specific Plan EIR was certified, that has become available, that would change the conclusion of the EIR.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Pelandale-Snyder Specific Plan Final EIR.

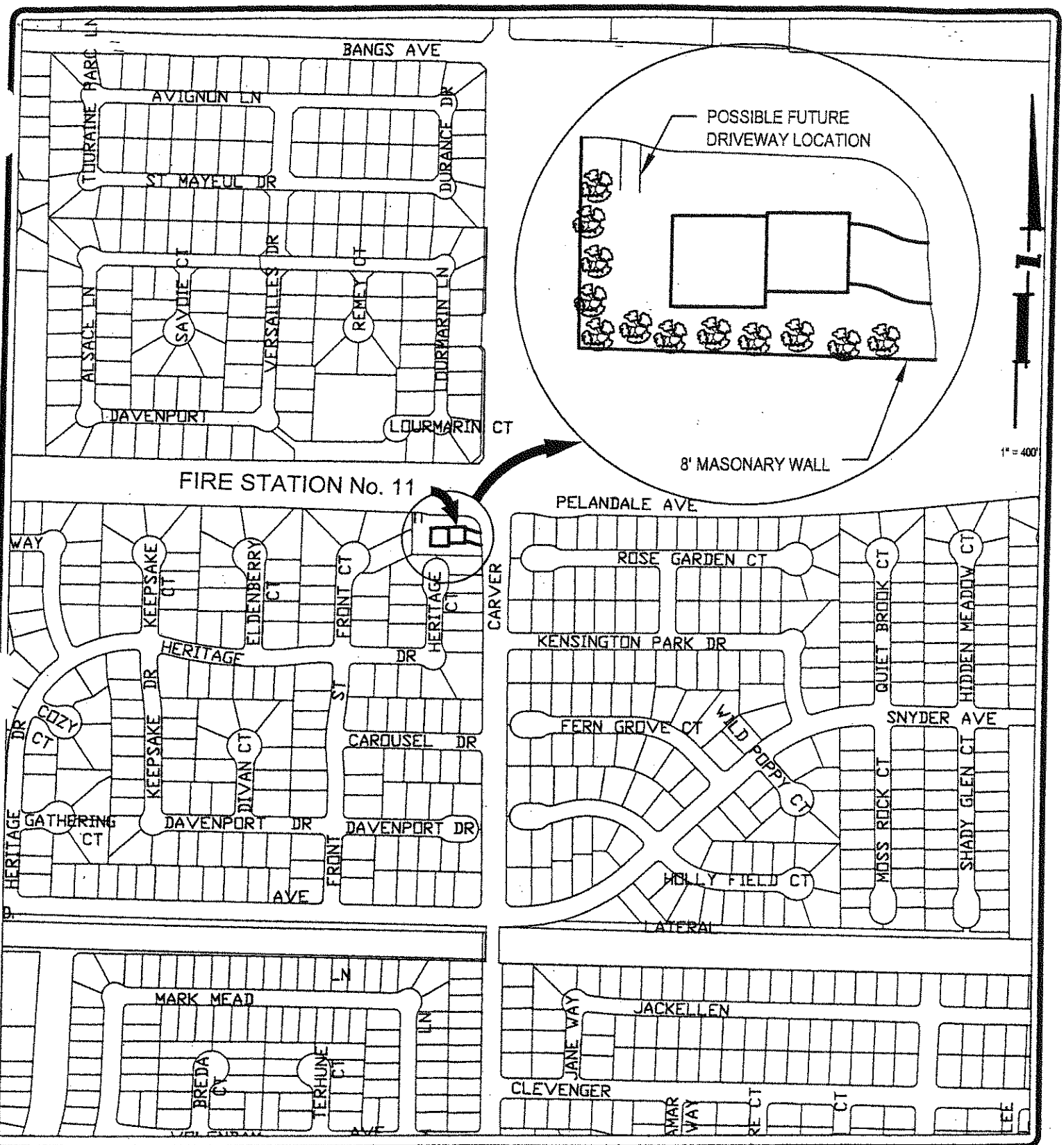
B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Pelandale-Snyder Specific Plan Final EIR.

C. No new information of substantial importance, which was not known and could not have been known at the time the Pelandale-Snyder Specific Plan Final EIR was certified as complete, has become available.

D. This initial study provides substantial evidence to support findings A, B and C, above.

Signature

Steve Nish
Acting Senior Planner



APPROVED BY:		# FIRE STATION NO. 11 LOCATION	CITY of MODESTO DEPARTMENT OF ENGINEERING AND TRANSPORTATION
DATE:			
ASBUILT BY:	DATE:		
ASBUILT PLOTTED:	DATE:		
REVISED:	DATE:		ACTIVITY NO.
DATE: 4/4/02	DRAWN BY: BUUS	CHECKED BY: / FIELD BOOK: / PAGE:	FILE NO:

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-243

A RESOLUTION APPROVING AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING (MOU) AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY EMPLOYEES' ASSOCIATION (MCEA) FOR IMPLEMENTATION OF A CITYWIDE CLERICAL CLASSIFICATION STUDY.

WHEREAS, representatives of the City of Modesto (CITY) and the Modesto City Employees' Association (MCEA) have met and conferred in good faith concerning a citywide study of clerical job classifications, and

WHEREAS, pursuant to an Agenda Report dated May 7, 2002, a copy of which report is on file in the office of the City Clerk, the CITY and MCEA utilized the Interest-Based Negotiation ("IBN") process in reaching this agreement, and

WHEREAS, the agreement creates seven new job classifications and their corresponding Salary Ranges, adopted under separate City Council Resolutions, and

WHEREAS, the agreement provides for individual placement in the new Salary Ranges that most closely provides for a 5% increase if the Range is higher than the one to which the employee is currently assigned, and

WHEREAS, the agreement provides for a second 5% increase six months from the date of Council adoption for those positions assigned to a Salary Range that is 10%, or more, above the employee's current Salary Range, and

WHEREAS, the agreement provides for a Y-rating process for individual placement in the new Range if the Range is lower than the one to which the employee is currently assigned, and

WHEREAS, the agreement provides for assignment rotations for employees in the classification of Police Clerk II,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment to the Memorandum Of Understanding agreement implementing the Clerical Classification Study between the City of Modesto and the Modesto City Employees' Association.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Keating
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-244

A RESOLUTION GRANTING CLASSIFICATION AND SALARY CHANGES TO CONFIDENTIAL EMPLOYEES IN THE CLASSIFICATIONS OF SECRETARY, ADMINISTRATIVE TECHNICIAN, ADMINISTRATIVE CLERK II, AND POLICE CLERK FOR IMPLEMENTATION OF A CITYWIDE CLERICAL CLASSIFICATION STUDY AND AMENDING EXHIBIT "A" OF RESOLUTION 2001-270.

WHEREAS, representatives of the City of Modesto (CITY) and the Modesto City Employees' Association (MCEA) have met and conferred in good faith concerning a citywide study of clerical job classifications, and

WHEREAS, pursuant to an Agenda Report dated April 23, 2002, a copy of which report is on file in the office of the City Clerk, the City Council adopted an amendment to the Memorandum Of Understanding between the City of Modesto and Modesto City Employees' Association (MCEA) for implementation of a Citywide Clerical Classification Study, and

WHEREAS, the City desires to extend this agreement to cover Confidential employees in the Classifications noted above, and

WHEREAS, City desires to provide for individual placement in the new Salary Ranges that most closely provides for a Five Percent (5%) increase, if the Range is higher than the one to which the employee is currently assigned, and

WHEREAS, City desires to provide for a second Five Percent (5%) increase six months from the date of Council adoption for those positions assigned to a Salary Range that is Ten Percent (10%), or more, above employee's current Salary Range,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT TO RESOLUTION 2001-270. Exhibit "A" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 19, 2001," is hereby amended as shown on the Amended Exhibit "A" entitled, "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective May 7, 2002," which is attached hereto and made a part hereof as though set forth in full herein. Said Amended Exhibit "A" establishes the salary range for Administrative Office Assistant I (Range 403), Administrative Office Assistant II

(Range 407), Administrative Office Assistant III and Police Clerk II (Range 411), and Senior Administrative Office Assistant (Range 415), and abolishes the salary ranges for, Police Clerk (Confidential).

SECTION 2. SALARY/OTHER PROVISIONS.

1. Confidential employees identified in this resolution, who will be placed in a new Salary Range that is lower than the Salary Range to which the employee is currently assigned, retain their current Job Title, current Salary Range and current Step placement without a Y-Rating for five years, to end June 25, 2007. This would allow the employee to receive any Across-the-Board increases and/or Step increases to which they are entitled during the five-year timeframe. This shall not apply to positions vacant at the date of adoption of this resolution.

   By June 25, 2007, the affected employee shall have submitted a job analysis, and a job class committee will convene to appropriately classify the employee, using a point-factor analysis. On June 26, 2007, the employee will be reclassified to that job classification determined by the Committee and Step placement will be determined in the following manner:

   Providing for individual placement in the new Range that most closely provides for a 5% increase if the Range is higher than the one to which the employee is currently assigned.

   Providing for a second 5% increase six months (13 pay periods) from the date of the first increase for those positions assigned to a Salary Range that is 10%, or more, above the employee's current Salary Range.

   Providing for individual placement at Step 9 in the new Range if the Range is lower than the one to which the employee is currently assigned.

2. Confidential employees shall be placed in the new Salary Ranges that most closely provide a Five Percent (5%) increase, if the Range is higher than the one to which the employee is currently assigned.

3. Confidential employees whose positions are assigned to a Salary Range that is Ten Percent (10%), or more, above the employee's current Salary Range shall receive a second Five Percent (5%) increase six months from the date of Council adoption of this resolution.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after May 7, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Keating

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective May 7, 2002

RANGE	TITLE
403	**Administrative Office Assistant I (Confidential)**
407	Administrative Clerk II (Confidential) **Administrative Office Assistant II (Confidential)**
408	
409	
410	
411	Administrative Office Assistant III (Confidential) **Police Clerk II (Confidential)**
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary **Senior Administrative Office Assistant (Confidential)**
416	
417	
418	Legal Secretary
419	Police Training and Records Technician (Confidential) Public Information Technician (Confidential)
420	Accountant I (Confidential) Deputy City Clerk Employee Benefits Coordinator Executive Secretary Legal Services Technician Systems Technician Workers' Compensation Claims Examiner I

RANGE	TITLE
421	
422	Office Supervisor Utility Dispatch Supervisor
423	Custodian Supervisor
424	Assistant Planner Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant Paralegal
426	Police Support Services Supervisor Stores Manager
427	Assistant City Clerk/Auditor Legal Services Administrator
428	Accountant II Budget Analyst Customer Services Specialist Customer Services Supervisor Senior Buyer
429	
430	Associate Planner Events Supervisor I Junior Civil Engineer Senior Crime Analyst Social Services Program Supervisor

RANGE	TITLE
431	Administrative Analyst II
	Assistant Risk Manager
	Geographic Information Systems Analyst
	Personnel Analyst
	Recycling Program Coordinator
	Senior Budget Analyst
	Senior Community Development Program Specialist
	Systems Analyst
432	Communications Specialist
	Industrial Waste Supervisor
	Neighborhood Preservation Supervisor
	Operations and Maintenance Supervisor
	Plant Maintenance Supervisor
	Recreation Supervisor II
	Secondary Treatment Facilities Supervisor
	Senior Accountant
	Water Quality Control Operations Supervisor
	Youth Program Supervisor
433	Organizational Development Specialist
434	Arborist
	Assistant Civil Engineer
	Assistant Traffic Engineer
	Electrical Supervisor
	Events Supervisor II
	Geographic Information Systems Coordinator
	Operations Supervisor
	SCADA Supervisor
	Senior Housing Rehabilitation Specialist
	Senior Programmer Analyst
435	Business Analyst
	Cultural Services Manager
	Integrated Waste Specialist
	Management Analyst
	Senior Personnel Analyst
436	Senior Planner

RANGE	TITLE
437	Deputy City Attorney I
438	Budget Officer
	Communications and Marketing Manager
	Development and Operations Coordinator
	Financial/Investment Officer
	Housing Program Supervisor
	Land Surveyor
	Property Agent
	Purchasing Supervisor
	Systems Engineer
	Transportation Planner
439	Administrative Services Officer
	Community Facilities Districts Administrative Officer
440	Associate Civil Engineer
	Associate Traffic Engineer
441	Airport Manager
	Assistant Personnel Director
	Building Maintenance Superintendent
	Deputy City Attorney II
	Fire Marshal
	Fleet Manager
	Golf Services Manager
	Parks Operations Superintendent
	Parks Planning and Development Manager
	Police Records Manager
	Recreation Superintendent
	Risk Manager
	Solid Waste Program Manager
	Streets Engineer
	Transit Manager
	Urban Forestry Superintendent
	Wastewater Collections Superintendent
	Water Superintendent
442	Customer Services Division Manager
	Information Services Manager
	Manager of Budget and Financial Analysis
	Supervising Building Inspector

RANGE	TITLE
	Supervising Construction Inspector
443	Senior Deputy City Attorney I
444	Business Development Manager
	Deputy Chief Building Official
	General Services Manager
	Principal Planner
445	Accounting Division Manager
	Housing and Neighborhoods Division Manager
446	Water Quality Control Superintendent
447	Assistant to City Manager
	Chief Building Official
	Planning Division Manager
	Senior Civil Engineer
	Traffic Engineer
448	
449	Senior Deputy City Attorney II
450	
451	
452	Deputy Director – Cultural and Enterprise Services
	Deputy Director – Engineering & Transportation
	Deputy Director of Finance
	Deputy Director – Operations and Maintenance
	Deputy Director – Recreation and Neighborhoods
453	
455	Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-245

Print

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Senior Administrative Office Assistant
Administrative Office Assistant III
Administrative Office Assistant I/II
Police Clerk I/II

This action is taken as part of the 2001-2002 Clerical Classification Study.

The specifications for the classification of Senior Administrative Office Assistant (Range 415/115), as shown on the attached Exhibit "A", Administrative Office Assistant III (Range 411/111), as shown on the attached Exhibit "B", Administrative Office Assistant I/II (Range 407/107), as shown on the attached Exhibit "C", and Police Clerk I/II, (Range 107), as shown on the attached Exhibit "D", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby amended to abolish the following classifications:

Police Clerk
Police Clerk (Confidential)
Administrative Clerk II
Administrative Clerk I

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after May 7, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Keating
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

ADMINISTRATIVE OFFICE ASSISTANT III

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

Under general supervision, to provide office support of a complex or specialized nature to various City offices; to provide lead direction and training to a small group of office assistants or related staff; and to perform related work as assigned.

DISTINGUISHING CHARACTERISTICS

This classification performs the more complex and difficult clerical and office support work requiring specialized knowledge and skills, and the use of a high degree of independent judgment, and/or functions as a leadworker in the Administrative Office Assistant class series. Specialized knowledge may involve functioning as an advisor to staff on City practices or procedures. Positions at this level are typically advanced personal computer users with mastery of common and/or specialized software used in the assignment.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Researches and assembles moderately complex information from a variety of sources for the completion of forms or the preparation of reports.

Performs various technical processing of forms, applications, permits, payments or procedures requiring in-depth knowledge of the department's functions.

Provides lead direction, training, and work review to a small group of office assistants or closely related classifications; sets priorities, assigns and monitors task completion to ensure coordination and completion of assigned work.

Makes arithmetical or routine statistical computations that may include payroll preparation.

Provides information to the public or to City staff that requires the use of judgment in the application of policies, rules or procedures.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS, Continued:

Schedules, prepares agendas, attends, takes and transcribe minutes of a variety of internal and external meetings.

Performs a variety of support duties related to the work unit to assist management staff in complex clerical office activities.

Establishes, organizes and maintains complex departmental filing systems.

Types complex and sensitive correspondence, reports, forms and specialized documents from drafts, notes, dictated tapes, or brief instructions using a typewriter or personal computer; may compose routine correspondence and brief reports.

Proofreads and checks typed and other materials for accuracy, completeness, and compliance with departmental policies and regulations.

Enters and retrieves data from computer systems, including generating reports and advising others on routine system operations.

Attends to a variety of office administrative details such as ordering supplies, arranging for the repair of equipment, transmitting information, and keeping reference materials up-to-date.

May act as a receptionist, receiving, screening and directing callers, and making appointments.

Reviews reports for accuracy and makes corrections.

Operates a wide variety of standard office equipment.

Marginal Functions

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Office management practices and procedures, including filing systems management and the operation of standard office equipment.

Formats and materials for typed materials.

Basic business arithmetic, including percentages and decimals.

Correct English usage, including spelling, grammar, and punctuation.

Policies and procedures related to the department to which assigned.

Use and operation of personal computers and common computer applications.

Skill in:

Providing training and lead direction to others.

Organizing, prioritizing and coordinating work activities.

Reading and applying rules, policies, and procedures.

Organizing, researching and maintaining office files.

Dealing tactfully and effectively with those contacted in the course of the work.

Making arithmetical calculations with speed and accuracy.

Composing routine correspondence from brief instructions.

Using initiative and sound independent judgment within established guidelines.

Operating standard office equipment including personal computers and centralized telephone equipment.

QUALIFICATIONS

Skill in, Continued:

Typing or word processing at speed necessary for successful job performance.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and skills is qualifying. A typical way to obtain the knowledge and skills would be:

Training:

Equivalent to graduation from high school. Vocational or college level coursework in business administration or a related field is desirable.

Experience:

Two years of responsible clerical experience of which one year must have been at the journey level;

or

One year with the City of Modesto as an Administrative Office Assistant II.

OTHER REQUIREMENTS:

Specified positions must possess a valid California driver's license and have a satisfactory driving record; and/or be able to pass a background investigation.

WORKING CONDITIONS

Environmental Conditions:

Office environment; specified positions may be required to work shifts.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting, standing, bending and stooping for prolonged periods of time; using various office equipment including a computer screen and keyboard.

SENIOR ADMINISTRATIVE OFFICE ASSISTANT

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

Under direction, to perform a variety of subprofessional and complex clerical assignments, studies and projects; to provide administrative assistance in the management of a department; and to perform related work as assigned.

DISTINGUISHING CHARACTERISTICS

The work of this class focuses on review of guidelines and regulations for the development and implementation of policies and procedures, office administration, management support, and special projects and duties related to the department in which they are assigned.

Positions at this level are characterized by the requirement for in-depth technical knowledge of the functions of the department; and typically function as a technical expert and/or systems administrator for departmental or City-wide computer software applications.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Researches, analyzes and compiles information into report form on various subjects for department directors and other management and professional staff.

Gathers data, and conducts surveys and studies on work procedures, workflow, organization, and other issues.

Evaluates and prepares recommendations on a variety of technical, office and procedural issues.

Develops, implements and monitors systems and procedures to meet departmental needs and respond to issues.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS, Continued:

May prepare the annual budget for office and administrative functions within area of authority, establish contracts, monitor and evaluate expenditures and accounts, and discuss changes with management.

Assists management in planning, monitoring and managing the budget.

Independently creates and responds to correspondence with the delegated authority of a manager.

Essential Functions (Continued):

Operates, troubleshoots, controls access to, and advises others on specialized departmental and/or Citywide software applications.

Interprets and applies policies, procedures, and regulations.

Evaluates new and existing legal, administrative and other requirements, and may draft policies and procedures to ensure compliance and overall effectiveness of staff operations.

May provide complex secretarial and office administrative support to a manager, including typing, word processing, spreadsheets, and related applications.

Maintains liaison with city officials and staff, officials and staff of other agencies, and the public, to obtain and relay information and coordinate activities.

Represents the department at staff and administrative meetings, committees, and related meetings.

Provide lead responsibilities to a small office support staff. Confidential employees may supervise a small office support staff.

May administer complex payroll activities.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS, Continued:

Maintains awareness of current issues in areas assigned.

Marginal functions:

Performs related duties as assigned.

QUALIFICATIONS:

Knowledge of:

City and departmental operations, policies, procedures and processes.

Laws and regulations governing operations of the department to which assigned.

Fiscal and statistical recordkeeping and budget and payroll preparation and administration.

Basic systems administration and advanced use of assigned computer applications.

Basic principles and practices of lead responsibilities.

Modern office management practices and procedures, including filing systems management and operation of a wide variety of office equipment.

Business English, letter writing, formats, and basic report preparation.

Skill in:

Developing and implementing goals, objectives, policies, procedures, and work standards.

Analyzing office operations and technical problems, evaluating alternatives, and recommending solutions.

QUALIFICATIONS:

Skill in, Continued:

Interpreting and applying administrative laws, regulations, policies and procedures.

Preparing, maintaining, and reviewing documents, records, and reports.

Exercising sound independent judgment within general policy guidelines.

Establishing and maintaining effective working relationships with those contacted in the course of the work.

Specified positions may require skill in typing or word processing at speed necessary for successful job performance.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and skills is qualifying. A typical way to obtain the knowledge and skills would be:

Training:

Equivalent to graduation from high school supplemented by vocational or college level coursework in administration and/or technical subjects related to the area in which assigned.

Experience:

Three years of responsible office administrative support/clerical experience of which two years must be at the advanced level requiring the exercise of independent judgment.

Or

Two years as an Administrative Office Assistant III with the City of Modesto.

OTHER REQUIREMENTS:

Upon appointment specified positions must possess a valid California driver's license and have a satisfactory driving record; and/or be able to pass a background investigation. After appointment those specific positions must maintain a valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Office environment; specified positions may be required to work shifts.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting, standing, bending and stooping for prolonged periods of time; using various office equipment including a computer screen and keyboard.

CITY OF MODESTO
No. 4734
No. 4724

MAY 2002

ADMINISTRATIVE OFFICE ASSISTANT I/II

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

Under general supervision, to provide a variety of routine to moderately difficult office support to various City departments and offices, which may include processing and handling of mail, record keeping, specialized processing related to the department in which assigned, typing, word processing, telephone and in-person reception, and filing; and to perform related work as assigned.

DISTINGUISHING CHARACTERISTICS

Administrative Office Assistant I is the entry level class of the City's office support series. Initially under close supervision, incumbents learn and perform a variety of office support and general clerical duties requiring knowledge of departmental and City procedures. Many positions in this class are flexibly staffed. Those positions which are not flexibly staffed perform a relatively narrow scope of routine clerical and office support work. Those positions which are flexibly staffed normally advance to the II level after a minimum of 12 months and demonstration of proficiency which meets the requirements of Administrative Office Assistant II.

Administrative Office Assistant II is the fully qualified, journey level class of this series, competent to perform a variety of office support and clerical duties. Positions are characterized by the presence of fairly clear guidelines from which to make decisions and the availability of supervision in non-routine circumstances. Positions at this level are journey level, accomplished users of common desktop and/or specialized applications software related to the area of assignment. Specific duties, including the amount of public contact, typing, word processing, use of an on-line computer system, and direct support for functions of the unit will vary with the organizational unit to which assigned.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Performs a variety of office support and general clerical duties related to the work unit.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS, Continued:

Types or word processes correspondence, reports, forms and specialized documents related to the functions of the organizational unit to which assigned from drafts, notes, dictated tapes, or brief instructions.

Proofreads and checks typed and other materials for accuracy, completeness, compliance with departmental policies, and correct English usage including grammar, punctuation, and spelling.

Enters, retrieves and processes data, and generates reports using computer systems, following established formats.

Gathers information from individuals or reference sources to complete and process various routine forms, records, and applications; and contacts individuals to obtain additional information.

Maintains records and processes forms, such as time records, purchase requisitions and orders, reservation of City pool vehicles and others specific to the organizational unit.

Posts and transcribes data, prepares and updates a variety of reports.

Performs a variety of routine arithmetical calculations.

Establishes and maintains office files, and researches and compiles information from such files.

Acts as receptionist and receives and screens visitors and telephone calls, takes messages, and makes appointments; provides directions and basic information and assistance.

Provides factual information regarding City or unit activities and functions.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS, Continued:

Performs such office support activities as opening and distributing mail, processing outgoing mail, operating a postage meter and ordering office supplies.

Marginal functions:

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Administrative Office Assistant I:

Basic office practices and procedures, including filing and the operation of standard office equipment.

Correct English usage, including spelling, grammar, and punctuation.

Administrative Office Assistant II: (In addition to the requirements of the I):

Business letter writing and standard formats for typed materials.

Policies, procedures, processes and forms related to the department to which assigned.

Basic business computer operations including the use of word processing software and other common desktop applications.

Skill in:

Administrative Office Assistant I:

Developing and maintaining effective working relationships with those contacted in the course of the work.

QUALIFICATIONS, Continued:

Skill in:

Understanding and carrying out oral and written instructions.

Maintaining accurate records and files.

Making accurate arithmetic calculations.

Depending on assignment, performing basic and/or detailed clerical work accurately.

Typing or word-processing at a speed necessary for successful job performance.

Operating standard office equipment including a personal computer and centralized telephone equipment.

Maintaining attention to detail despite interruptions.

Communicating tactfully and effectively with the public and remaining calm and following designated protocols in stressful and/or emergency situations.

Administrative Office Assistant II: (In addition to the requirements of the I):

Organizing and maintaining office files.

Composing routine correspondence from brief instructions.

Using initiative and sound independent judgment within established guidelines.

Prioritizing work and coordinating several activities simultaneously.

QUALIFICATIONS, Continued:

Ability to: (Both levels)

Learn specialized processing, procedures and office support tasks related to the department to which assigned.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and skills is qualifying. A typical way to obtain the knowledge and skills would be:

Administrative Office Assistant I:

Training:

Equivalent to graduation from high school.

Experience:

Six months of responsible clerical experience.

Administrative Office Assistant II:

Training:

Equivalent to graduation from high school.

Experience:

Eighteen months of responsible clerical experience;

or

Twelve months as an Administrative Office Assistant I with the City of Modesto.

OTHER REQUIREMENTS:

Specified positions must possess a valid California driver's license and have a satisfactory driving record; and/or be able to pass a background investigation.

WORKING CONDITIONS

Environmental Conditions:

Some positions work in an office environment and some positions work in a workroom environment; specified positions may be required to work shifts. Some positions require traveling site to site in inclement weather.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting, standing, bending and stooping for prolonged periods of time; using various office equipment including a computer screen and keyboard. Some positions require frequent lifting (up to 35 pounds), loading and reaching conditions.

CITY OF MODESTO MAY 2002
No. 4518
No. 4519
No. 4522

POLICE CLERK I
POLICE CLERK II

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

Under general supervision to perform a variety of specialized clerical duties applicable to a police operations environment that includes multi-tasking with heavy public contact, record keeping, document processing, typing, word processing and filing; and to perform related work as assigned.

DISTINGUISHING CHARACTERISTICS

Police Clerk I - This is the first working level of the class in this series, competent to perform a variety of office support and clerical duties while learning operations and procedures specific to the Police Department. Positions are characterized by the presence of clear guidelines from which to make decisions and the availability of supervision to provide guidance in non-routine circumstances. Specific duties, including the amount of public contact, typing, word processing, use of an on-line computer system, and direct support for functions of the unit, will vary depending on assignment. Positions in this class are flexibly staffed and I's typically advance to the II level after a minimum of 12 months and demonstration of proficiency that meets the requirements of Police Clerk II.

Police Clerk II – This level performs the more complex and difficult clerical and office support work requiring specialized knowledge and skills, and the use of a high degree of independent judgment. Specialized knowledge may involve functioning as an advisor to other department personnel on department practices or procedures.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Manage and provide information to the public and to city staff that requires the use of judgment and the application of policies, rules or procedures.

Copy, sort, file, retrieve and distribute a variety of documents and police reports, citations, warrants and other materials to appropriate personnel and to appropriate agencies.

Essential Functions:

Type, word process, record and file a variety of police records, reports and materials including memos, letters, reports, complaints, declarations, booking information, warrants, citations, and crime and traffic reports from hard copy or dictation.

Assemble, code, index, record and summarize a variety of police data including serious crime offenses, stolen, stored and towed vehicles, crime reports, booking sheets, file field interrogation cards and related documents.

Type or word process complex and sensitive correspondence, reports, forms and specialized documents from drafts, notes, dictated tapes or brief instructions; may compose routine correspondence and brief reports.

Handle basic financial transactions, which may include billing, invoicing, ordering of supplies and receiving monies.

May prepare, update, and maintain a variety of calendars, schedules and appointments.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Police Clerk I:

Use and operation of personal computers and common computer applications.

Basic office practices and procedures, including filing systems and operation of standard office equipment.

Correct English usage, including spelling, grammar, and punctuation.

Knowledge of: (continued)

Business writing and standard format for typed materials.

Basic business arithmetic, including percentages and decimals.

Police Clerk II: (In addition to the requirements of the I):

Police Department policies, procedures, processes and forms.

Police Department records management system.

Skill in:

Police Clerk I:

Reading and applying rules, policies, and procedures.

Organizing, prioritizing and coordinating own work flow.

Dealing tactfully and effectively with a variety of people in hostile and/or difficult circumstances.

Typing at a reasonable speed necessary for successful job performance.

Making accurate arithmetic calculations.

Prioritizing work and coordinating several activities simultaneously.

Using initiative and sound independent judgment within established guidelines.

Operating standard office equipment including personal computers and centralized telephone equipment.

Establishing and maintaining effective working relationships with those contacted in the course of work

Police Clerk II (In addition to the requirements of the I):

Skill in (Continued):

Basic principles of an electronic office including personal computing, specialized applications and databases common to law enforcement agencies.

Specialized processing, procedures and office support tasks related to the Police Department.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Police Clerk I

Eighteen months of responsible clerical experience in an office setting that includes public contact, common personal computer applications such as word processing, spreadsheets, and record keeping.

Training:

Equivalent to high school graduation.

Police Clerk II

Two years of responsible clerical experience in a law enforcement agency which has included word processing, multitasking, and electronic office or twelve months as a Police Clerk I with the City of Modesto.

Training:

Equivalent to high school graduation. Vocational or college level course work in business administration or a related field is desirable.

Other Requirements:

Must be able to pass a background investigation.

WORKING CONDITIONS

Environmental Conditions:

Office environment working a variety of shifts, weekends and holidays on a rotating basis.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting, standing, bending and stooping for prolonged periods of time; using various office equipment including a computer screen and keyboard.

Work Assignment:

Wear a City-approved uniform and related equipment unless assigned to the drug unit.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 246

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGES FOR THE CLASSIFICATIONS OF SENIOR ADMINISTRATIVE OFFICE ASSISTANT (RANGE 115), ADMINISTRATIVE OFFICE ASSISTANT III (RANGE 111), ADMINISTRATIVE OFFICE ASSISTANT I/II (RANGES 103/107), AND POLICE CLERK I/II (RANGES 107/111) AND TO ABOLISH THE SALARY RANGES FOR THE CLASSIFICATIONS OF: POLICE CLERK, ADMINISTRATIVE CLERK II AND ADMINISTRATIVE CLERK I.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 95-26, NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," attached to Resolution No. 95-26, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective May 7, 2002," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" establishes Salary Ranges for Senior Administrative Office Assistant (Range 115), Administrative Office Assistant III (Range 111), Administrative Office Assistant I/II Ranges 103/107), Police Clerk I/II (Ranges 107/111) and abolishes Salary Ranges for Police Clerk, Administrative Clerk II, and Administrative Clerk I.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after May 7, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Keating
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective, **May 7, 2002**

RANGE	TITLE
101	Custodian I Maintenance Aide
103	**Administrative Office Assistant I**
104	
105	
106	
107	**Administrative Office Assistant II** Custodian II **Police Clerk I**
108	
109	
110	Animal Control Officer I Equipment Service Worker I Maintenance Worker I
111	Account Clerk **Administrative Office Assistant III** Evidence and Property Specialist **Police Clerk II**
112	
113	Administrative Technician Computer Operator Drafting and Graphics Technician
114	Electrical Technician I Equipment Service Worker II Maintenance Worker II Production Technician Storeskeeper

RANGE TABLE

115 Accounting Technician
Animal Control Officer II
Assistant to the Events Coordinator
Code Enforcement Officer I
Community Service Officer I
Planning Technician I
Senior Administrative Office Assistant
Wastewater Treatment Plant Attendant

116 Equipment Operator
Fire Prevention Technician I
Motor Sweeper Operator
Traffic Operations Technician
Used Oil Coordinator
Wastewater Collection System Operator
Water Distribution System Operator

117 Electrical Technician II

118 Fleet Procurement Specialist
Parking Lot Maintenance Crewleader
Parks Crewleader
Recreation Coordinator
Senior Storeskeeper
Tree Trimmer

119 Assistant Buyer
Building Maintenance Mechanic
Civil Engineering Technician I
Code Enforcement Officer II
Community Service Officer II
Maintenance Mechanic – Parks
Maintenance Mechanic – Pumps
Planning Technician II
Public Information Technician
Wastewater Treatment Plant Operator

RANGE TABLE

120 Accountant I
Assistant Electrician
Equipment Mechanic
Fire Prevention Technician II
Laboratory Analyst I
Meter Reader Crewleader
Senior Equipment Operator
Traffic Painter Crewleader
Welder/Fabricator

121 Wastewater Treatment Plant Relief Operator

122 Coach Mechanic
Cross Connection Specialist
Fire Equipment Mechanic
Industrial Waste Inspector I
Programmer Analyst I
Tree Trimmer Crewleader
Water Conservation Specialist

123 Airport Maintenance Crewleader
Civil Engineering Technician II
Identification Technician I
Maintenance Mechanic Crewleader – Parks

124 Community Development Program Specialist I
Equipment Crewleader
Equipment Mechanic Crewleader
Laboratory Analyst II
Maintenance Mechanic Crewleader – Pumps
Planning Assistant
Plant Mechanic
Wastewater Collection System Crewleader

125 Crime Analyst

126 Building Inspector I
Coach Mechanic Crewleader
Electrician
Housing Financial Specialist
Housing Rehabilitation Specialist I
Industrial Waste Inspector II

RANGE TABLE

127	Civil Engineering Assistant Identification Technician II Senior Fire Equipment Mechanic
128	Community Development Program Specialist II Instrument Repair Technician Programmer Analyst II Sr. Wastewater Treatment Plant Operator
129	
130	Building Inspector II Construction Inspector Hazardous Material Program Coordinator Housing Rehabilitation Specialist II Project Coordinator
131	Sr. Civil Engineering Assistant
132	
133	
134	Deputy Fire Marshal Plan Review Engineer Senior Building Inspector Senior Construction Inspector

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-247

RESOLUTION AMENDING STRATEGIC PLAN MILESTONE(S) FOR DELAYED PROJECT(S)

WHEREAS, in September 2000, Council and staff embarked on a strategic planning process to develop a Vision and *Strategic Plan* for the City, and

WHEREAS, the Vision forms the foundation for the *Strategic Plan*, and

WHEREAS, the Vision and *Strategic Plan* build upon previous visioning and planning efforts on the part of the City, and

WHEREAS, on October 23, 2001, Council adopted the Vision and *Strategic Plan*, and

WHEREAS, staff provided a progress report on all Strategic Plan items in January, 2002, and

WHEREAS, the Quarterly Progress Report for January – March 2002 contains items with significant changes since January, and

WHEREAS, due to budgetary and staffing constraints, it is necessary to amend the Strategic Plan milestone for Action Item number S.B.3.b.(3). – Develop Multi-government and Regional Strategies to lower costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the milestone for Strategic Plan action item S.B.3.b.(3). from December 2002 to December 2003.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

ATTEST:
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-248

A RESOLUTION DESIGNATING THE PROPERTY AT 201 NEEDHAM STREET AS A MODESTO LANDMARK PRESERVATION SITE (OWNER: GREAT VALLEY CENTER)

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on February 25, 2002 at the McHenry Museum, 1402 I Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 2001-2, that the property at 201 Needham Street is eligible for designation as a Landmark Preservation Site for the following reasons:

(1) The location and setting is compatible with future preservation and use.

(2) The physical condition is such that preservation maintenance or adaptive use is economically feasible.

(3) The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.

(4) The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, the Human Services Committee met on April 11, 2002, and supported the Landmark Preservation Commission recommendation, and

WHEREAS, after a public hearing held on April 23, 2002, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, the Council found and determined that the property at 201 Needham Street is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property located at 201 Needham Street is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property at 201 Needham Street has architectural significance as a fine example of a Classical Revival building from the 1920's and is hereby designated a Landmark Preservation Site for the following reason:

> Architectural significance – Possessing distinctive characteristics of a style, place, period, method or materials of construction, builder or architect.
>
> This Classical Revival two-story building with Romanesque attributes is faced with glazed brick. The façade is divided into three vertical bays. The outer bays each contain a prominent round headed, multi-paned window. Two horizontal tri-part panels further divide these windows with a decorative plaster rosette in the center of each section. The center bay projects slightly and contains a pair of tall flat pilasters on either side of the main entrance. A band of decorative relief joins the ornate capitals of these pilasters. The projecting center bay is also topped with a row of these tiles. The side elevation contains a stained glass casement window with a transom at the front of the building and a raised first floor entrance near the rear. In between is a group of three round headed windows divided by tri-part panels. At the ground level is a row of basement windows and a center basement entrance.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14h day of May, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Exhibit "A"

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

HISTORIC RESOURCES INVENTORY

Ser. No. _____
HABS ____ HAER ____ NR 5 SHL ____ Loc ____
UTM: A _____ B _____
C _____ D _____

IDENTIFICATION

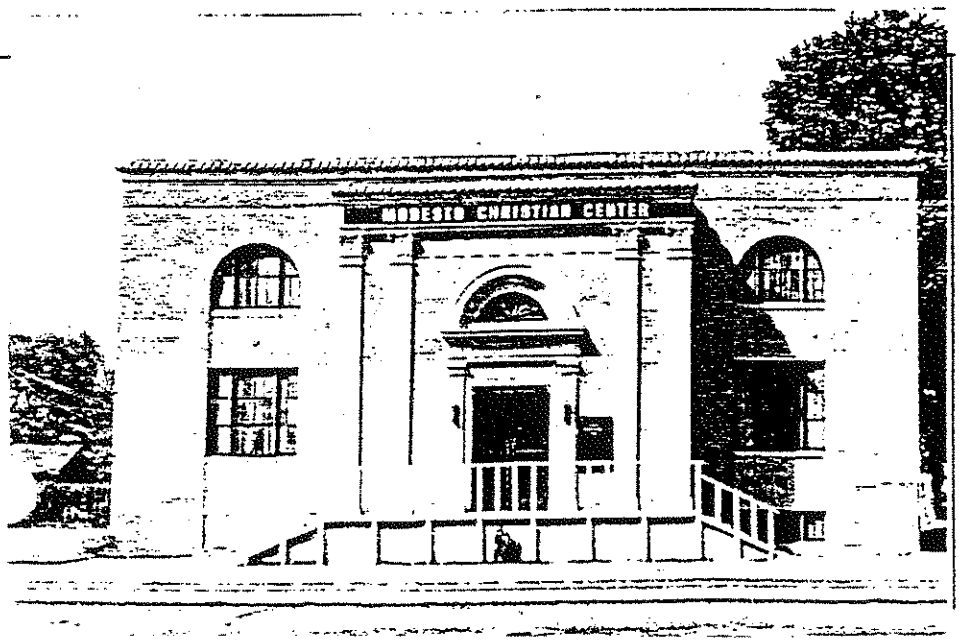
1. Common name: Modesto Christian Center
2. Historic name: Centenary Methodist Church
3. Street or rural address: 205 Needham Ave Modesto CA 95354
   City Modesto CA Zip 95354 County Stanislaus
4. Parcel number: 110-08-25
5. Present Owner: Modesto Christian Centary Address: 205 Needham
   City Modesto CA Zip 95354 Ownership is: Public _____ Private X
6. Present Use: Church Original use: Church

DESCRIPTION

7a. Architectural style: Classical Revival

7b. Briefly describe the present *physical description* of the site or structure and describe any major alterations from its original condition:

This two story rectangular building is faced with glazed brick. The facade is divided into three vertical bays The outer bays each contain a prominent round headed window. These multi-paned windows are further divided by two horizontal tripart panels with a decorative plaster rossettee in the center of each section. The center bay projects slightly and contains a pair of tall flat pilasters on either side of the main entrance A band of decorative relief joins the ornate capitals of these pilasters The centered entry consists of a multipaned double door framed by flat pilasters with recessed panels and capped by a stained glass fanlight set in a molded arch openinig. The low parapet eclosing the roof is edged with a row of vertically positioned tiles. The projecting center bay is also topped with a row of these tiles. The side elevation contains astained glass casement window with a transom at the front of the building and a raised first floor entrance near the rear. In between is a group of three round headed windows divided by tri-part panels. At the ground level is a row of basement windows and a center basement entrance.



8. Construction date: Estimated _____ Factual 1920
9. Architect Unknown
10. Builder Unknown
11. Approx. property size (in feet) Frontage 124 5 Depth 84 3
    or approx. acreage _____
12. Date(s) of enclosed photograph(s) 6/84

13. Condition: Excellent ___ Good ___x___ Fair ___ Deteriorated ___ No longer in existence ___

14. Alterations: Ramp and railing leading to front entrance

15. Surroundings: (Check more than one if necessary) Open land ___ Scattered buildings ___ Densely built-up ___X___
Residential ___X___ Industrial ___ Commercial ___X___ Other: ___

16. Threats to site: None known ___X___ Private development ___ Zoning ___ Vandalism ___
Public Works project ___ Other: ___

17. Is the structure: On its original site? ___X___ Moved? ___ Unknown? ___

18. Related features: ___

SIGNIFICANCE

19. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site.)

Built in 1920 for the Centennary Methodist Church

Sold in 1960 to the Church of Jesus Christ of Latter Day Saints

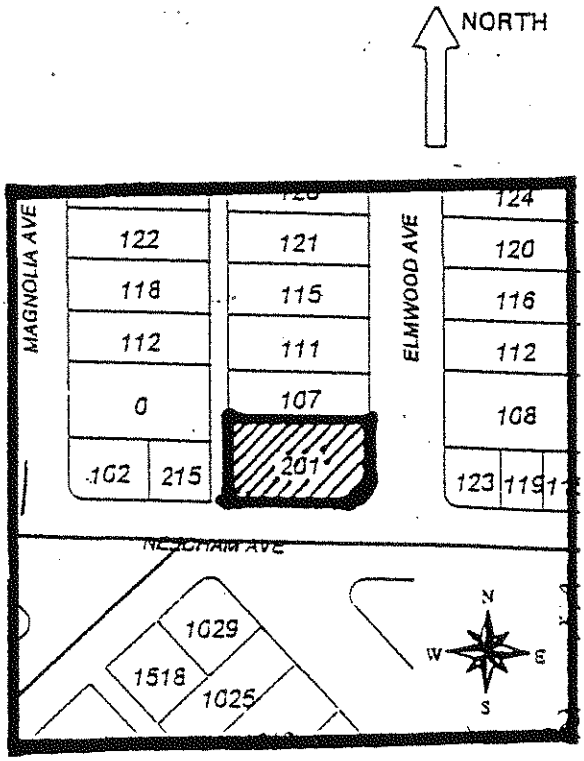
1984 became the Modesto Christian Center

20. Main theme of the historic resource: (If more than one is checked, number in order of importance.)
Architecture ___1___ Arts & Leisure ___
Economic/Industrial ___ Exploration/Settlement ___
Government ___ Military ___
Religion ___2___ Social/Education ___

21. Sources (List books, documents, surveys, personal interviews and their dates).

22. Date form prepared ___6/84___
By (name) ___Melgard and Boer___
Organization ___Stanislaus Co. Hist Society___
Address: ___P.O. BOX 1332___
City ___Modesto CA 95353___ Zip ___
Phone: ___545-0202/ 527-3511 (209)___

Locational sketch map (draw and label site and surrounding streets, roads, and prominent landmarks):



UPDATED INFORMATION

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
HRI# _____
Trinomial _____
NRHP Status Code _____

Other Listings _____
Review Code _____ Reviewer _____ Date _____

Page _____ of _____ *Resource Name or #: (Assigned by recorder) _____

P1. Other Identifier:

*P2. Location: ☐ Not for Publication ☐ Unrestricted

*a. County _____ and (P2c, P2e, and P2b or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad _____ Date _____ T __; R __; __ ¼ of __ ¼ of Sec __; _____ B.M.

c. Address _____ City _____ Zip _____

d. UTM: (Give more than one for large and/or linear resources) Zone __, _____ mE/ _____ mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

*P3b. Resource Attributes: (List attributes and codes) _____

*P4. Resources Present: ☐ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects.)

P5b. Description of Photo: (view, date, accession #) _____

*P6. Date Constructed/Age and Source: ☐ Historic ☐ Prehistoric ☐ Both

*P7. Owner and Address:
Great Valley Center
911 13th St., Modesto
CA 95354

*P8. Recorded by:
(Name, affiliation, and address)
Robert G. Trache
Chief Operating Office:
Great Valley Center
Modesto, CA 95354

*P9. Date Recorded: _____

*P10. Survey Type: (Describe)

*P11. Report Citation: (Cite survey report and other sources, or enter "none.")

*Attachments: ☐NONE ☐Location Map ☐Continuation Sheet ☐Building, Structure, and Object Record ☐Archaeological Record ☐District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record ☐Artifact Record ☐Photograph Record ☐ Other (List):

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
BUILDING, STRUCTURE, AND OBJECT RECORD

Primary # _____

HRI # _____

*NRHP Status Code _____

Page _____ of _____ *Resource Name or #(Assigned by recorder) _____

___ B1. Historic Name: Centenary United Methodist Church
___ B2. Common Name: Modesto Christian Church
___ B3. Original Use: Church
___ B4. Present Use: To be turned into office space
___ *B5. Architectural Style: Classical Revival
*B6. Construction History: (Construction date, alterations, and date of alterations)

*B7. Moved? No Yes Unknown Date: _____ Original Location: _____

*B8. Related Features:

B9a. Architect: _____ b. Builder: _____

*B10. Significance: Theme _____ Area: _____

Period of Significance: 1920 Property Type: _____ Applicable Criteria: _____
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

The building was constructed in 1920 as a modest Classical Revival structure with Romanesque attributes. It is one of the few remaining early 20th Century structures in the downtown adjacent area. From 1920 to the present the building has been in use by church congregations, with exception of a short period when the building was owned by the City of Modesto and functioned as a clinic.

B11. Additional Resource Attributes: (List attributes and codes) _____

*B12. References:

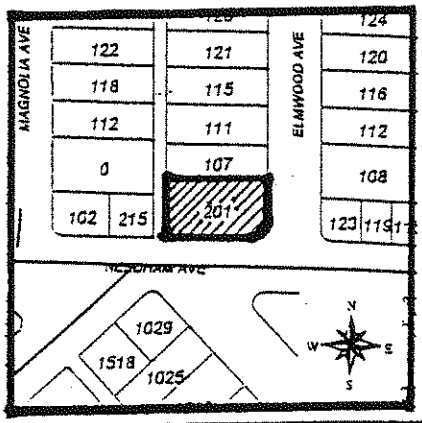
B13. Remarks:

*B14. Evaluator:

*Date of Evaluation: _____

(This space reserved for official comments)

Sketch Map with north arrow required.



*Required information

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-249

A RESOLUTION APPROVING THE CITY OF MODESTO 2002-2003 ANNUAL ACTION PLAN AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED NECESSARY DOCUMENTS

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD), and

WHEREAS, the City receives a Community Development Block Grant (CDBG), a HOME Investment Partnership Grant, and an Emergency Shelter Grant (ESG), and

WHEREAS, the City receives these grants annually because of its population size, number of households living below the poverty line, and the number of housing units that are considered substandard, and

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of May 14, 2002, to consider submission of an application to the U.S. Department of Housing and Development (HUD) pertaining to the 2002-2003 Fiscal Year Annual Action Plan, which describes how the City intends to spend Federal assistance received from HUD in the areas of Community Development, Housing Production and Homeless Assistance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2002-2003 Fiscal Year Annual Action Plan as presented to the Council for the Community Development Block Grant (CDBG), HOME Investment Partnership Program and the Emergency Shelter Grant (ESG) is hereby approved, and a copy of said Annual Action Plan is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute any and all documents necessary in relation to grant agreements, and City staff is hereby authorized to submit an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 2002-2003 Annual Action Plan which describes how the City intends to spend Federal assistance received from HUD in the areas of Community Development, Housing Production and Homeless Assistance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-250

A RESOLUTION AMENDING SECTIONS 1 AND 2 OF RESOLUTION NO. 76-407 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(139). (MODESTO CITY HOSPITAL)", AS PREVIOUSLY AMENDED BY MODESTO CITY COUNCIL RESOLUTION NOS. 77-844, 87-1051, AND 92-547. (ASSOCIATED ENGINEERING GROUP, INC.).

WHEREAS, the City Council, by Ordinance No. 1502-C.S. which was introduced on March 1, 1976, finally adopted on March 8, 1976, and which became effective on April 7, 1976, amended Section 28-3-9 of the Zoning Map to reclassify from Neighborhood Commercial Zone, C-1, General Commercial Zone, C-2, Professional Office Zone, P-O, and Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(139), to allow expansion of Modesto City Hospital and relocation of Octomedent parking, property located northeasterly and southwesterly of 17th Street, southeasterly of H Street, and on both sides of G Street, and

WHEREAS, City Council Resolution No. 76-407 was adopted on March 1, 1976, and approved the development plan containing the conditions of approval and the development schedule specifying construction to be in two phases, and

WHEREAS, the City Council, by Ordinance No. 1638-C.S. which was introduced on August 15, 1977, finally adopted on August 22, 1977, and which became effective on September 21, 1977, amended Section 2 of Ordinance No. 1502-C.S. to allow two freestanding signs, one on H Street and one on G Street, each a maximum of 12 feet high and 32 feet square, and

WHEREAS, City Council Resolution No. 77-844 adopted on August 15, 1977, amended the development plan for Planned Development Zone, P-D(139), and

WHEREAS, Planning Commission Resolution No. 79-1, adopted January 2, 1979, approved a five-year extension of time for the development schedule for Planned Development Zone, P-D(139), and

WHEREAS, City Council Ordinance No. 2545-C.S., which was introduced on September 15, 1987 finally adopted on September 22, 1987, and which became effective on October 22, 1987, amended Planned Development Zone, P-D(139), to rezone additional property to allow a parking lot for Modesto City Hospital, property located on the east corner of 17th and H Streets, and

WHEREAS, City Council Resolution No. 87-1051, adopted September 15, 1987, approved the development plan containing the conditions of approval and the development schedule, and

WHEREAS, City Council Ordinance No. 2830-C.S., which was introduced on October 6, 1992, finally adopted on October 20, 1992, and which became effective on November 19, 1992, amended Planned Development Zone, P-D(139), to rezone additional property to allow additional off-street parking and accommodation of a trash compactor, property located on the southwest side of 18th Street, north of G Street, and

WHEREAS, City Council Resolution No. 92-547, adopted October 6, 1992, approved the development plan containing the conditions of approval and the development schedule, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(139), was filed by Associated Engineering Group, Inc., on February 11, 2002, to allow a funeral parlor and related uses exclusive of cremation, property located at the south corner of 18th and H Streets, and

WHEREAS, after a public hearing held on April 15, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2002-21, that amendment of Planned Development Zone, P-D(139), as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The amendment will not result in any significant physical change to the subject property.

2. The conditions of approval will help to ensure compatibility with the surrounding area.

WHEREAS, said matter was set for a public hearing of the City Council to be held on May 14, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Associated Engineering Group, Inc. for an amendment to Planned Development Zone, P-D(139), should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2002-21 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3260-C.S. on the 14th day of May, 2002, amending Section 2 of Ordinance No. 1502-C.S. to allow a funeral parlor and related uses exclusive of cremation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 76-407 entitled "A Resolution Approving A Development Plan For Planned Development Zone, P-D(139). (Modesto City Hospital)" is hereby amended to read as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(139), is hereby approved subject to the following conditions:

1. All development shall conform to the site plan and elevations titled "Planned Development – Neptune Society" as amended in red, stamped approved by the City Council on May 14, 2002.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Chief Building Official. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

4. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.

5. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

6. Trash bins shall be kept in enclosures in accordance with the approved plan and in accordance with plans approved by the Operations and Maintenance Department Director. Enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Department Director.

7. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Engineering and Transportation Director.

8. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

9. All conditions of City Council Resolution No. 76-407 as amended by City Council Resolution Nos. 77-844, 87-1051, and 92-547 not in conflict with this action shall remain in full force and effect. "

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(139):

That the entire construction program be accomplished in one phase, construction to begin on or before May 14, 2004, and be completed by not later than May 14, 2005."

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance amending Planned Development Zone, P-D(139), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-251

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING PLANNED DEVELOPMENT ZONE, P-D(139) TO ALLOW A FUNERAL PARLOR USE EXCLUSIVE OF CREMATION, PROPERTY LOCATED AT THE SOUTH CORNER OF 18TH AND H STREETS (ASSOCIATED ENGINEERING GROUP, INC.)

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Associated Engineering Group, Inc., has proposed that the allowed an amendment to Planned Development Zone, P-D(139), to allow a funeral parlor uses exclusive of cremation, property located at the south corner of 18th and H Streets ("the project"), , and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the Master Environmental Impact Report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study CDD 2002-14 reviewed the proposed amendment to Planned-Development Zone, P-D(139), to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the

environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on May 14, 2002, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/CDD 2002-14, for the proposed amendment to Planned Development Zone, P-D(139), a copy which is attached hereto as **Exhibit "A"**, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study, makes the following findings:

1. That the project will have no new additional significant effects on the environment that were not identified in the Master EIR, and no new or additional mitigation measures would be required.
2. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
3. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
4. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.
5. The initial study, Environmental Assessment No. EA/CDD 2002-14, provides the substantial evidence to support the above findings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

INITIAL STUDY

EA/CDD NO. 2002-14

City of Modesto
Initial Study

Amend P-D(139) to Allow Funeral Parlor

EA/CDD 2002-14

April 1, 2002

I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:
Public Hearing - Application of Associated Engineering Group, Inc., to amend P-D(139) to allow a funeral parlor, property located at the south corner of "H" and 18th Streets.

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person, address and phone number:
Brad Wall
City of Modesto Community Development Department
1010 10th Street, Suite 3100
Modesto, CA 95353
(209) 577-5282

D. Project Location:
south corner of "H" and 18th Streets

E. Project Sponsor:
Associated Engineering Group, Inc.
Jim P. Freitas
4206 Technology Drive
Modesto CA 95356

F. General Plan Designation:
Redevelopment Planning District (RPD)

G. Current Zoning:
Planned Development (139)

H. Description of Proposed Project:
This is a review of an application for a P-D amendment to allow a funeral parlor and related uses within an existing building(s) on property located at the south corner of "H" and 18th Streets. The surrounding area is developed with commercial uses to the north and west, and medical / professional office uses to the south and east.

I. Surrounding land uses: (See "H." above.)

J. Other public agencies whose approval is required: None.

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR (MEIR) for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the MEIR.

A. Traffic and Circulation

Amendment of the Planned Development Zone to allow a funeral parlor will not contribute significantly to increased traffic in the area. As a result, the proposed development is consistent with the Traffic and Circulation Needs section of the MEIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-38) are still valid.

B. Degradation of Air Quality

The air quality impacts for the proposed project are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, the proposed project will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are therefore still valid.

C. Generation of Noise

The proposed project is consistent with the General Plan in land use and intensity. Although it is located within the noise contours shown on Figure 3-2 of the MEIR, no additional noise-attenuation measures are necessary due to the nature of the project. Therefore, the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.

D. Loss of Productive Agricultural Land

The project area is located in an urbanized portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. Increased Demand for Water Supplies

The proposed project is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure to provide water service to the site. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are therefore still valid.

F. Increased Demand for Sanitary Sewer Services

The proposed project is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure to provide sanitary sewer service to the project site. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The project is located in a built-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. Therefore, the Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

H. Disturbance of Archaeological and Historic Sites

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site-specific investigations. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

I. Drainage, Flooding and Water Quality

The proposed project is consistent with the General Plan in land use and intensity, and will conform to the City's standards for drainage, flood control and water quality. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

J. Increased Demand for Storm Drainage

The proposed project is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure to provide the necessary storm drainage. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the

Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are still valid.

K. Increased Demand for Parks and Open Space

The MEIR concluded that demand for parks and open space would be mitigated through the payment of Capital Facilities Fees (CFF) for new development, which would be used for the development of new parks. Since the City's CFF program applies to this project, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are still valid.

L. Increased Demand for Schools

The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, as applicable, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

M. Increased Demand for Police Services

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are still valid.

N. Increased Demand for Fire Services

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are still valid.

O. Generation of Solid Waste

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are still valid.

P. Generation of Hazardous Materials

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-15) are still valid.

Q. Landslides and Seismic Activity

This project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-1-11) are therefore still valid.

R. Energy

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed amendment to Planned Development Zone No. 139, to allow a funeral parlor and related uses, is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Developed Area.

B. No additional significant environmental effects will occur as a result of the proposed project that were not previously examined in the General Plan Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed project that were not previously considered in the General Plan Master EIR.

D. There are no specific features unique to this project that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.

E. This initial study provides substantial evidence to support findings A, B, C, and D above.

Signature:

Brad Wall,
Associate Planner

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 252

A RESOLUTION SETTING A PUBLIC HEARING TO BE HELD ON MAY 28, 2002, REGARDING THE PROPOSED OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGETS FOR FISCAL YEAR 2002-2003.

WHEREAS, on May 14, 2002, the Staff presented to the City Council the Operating and Capital Improvement Program budgets for Fiscal Year 2003; and

WHEREAS, the budget review process requires that a public hearing be held before budget adoption.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Tuesday, May 28, 2002, at 5:15 p.m., located in the Chambers at 1010 Tenth Street, Modesto, California, is hereby set as the date, time and place for a public hearing to review and consider the Operating and Capital Improvement Program budgets for Fiscal Year 2003, a copy of which is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that staff is authorized to send notices as provided by law of the proposed Operating and Capital Improvement Program budgets.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 253

A RESOLUTION AMENDING THE BUDGET FOR THE FISCAL YEAR 2001-2002 ANNUAL BUDGET

WHEREAS, financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2001-2002.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2001-2002 budget have been adjusted as shown in Attachment A.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: _____
MIKE MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 254

A RESOLUTION APPROVING RENEWAL OF PROPERTY AND BOILER & MACHINERY INSURANCE FOR THE CITY OF MODESTO OWNED AND/OR OPERATED PROPERTIES

WHEREAS, since 1993, Robert F. Driver Associates (now Driver Alliant Insurance Services) has been the Broker of Record for the City's property-related needs, and

WHEREAS, Driver has developed a joint-purchasing group of clients called PEPIP (Public Entity Property Insurance Program) which includes over 2,800 public entities in 7 different states with over $70 billion in insured values, and

WHEREAS, PEPIP's loss experience, coverage form and pricing have been the most competitive in the industry, and

WHEREAS, renewal of said insurance is due on May 15, 2002, and

WHEREAS, staff has received the initial renewal quote that provides for a 246% rate increase ($332,886 for property and $9,940 for boiler and machinery coverage) due to the devastating effects of September 11th, and

WHEREAS, staff has requested the Broker to pursue additional options, and

WHEREAS, due to time constraints in the renewal process, staff will present details on alternatives to the Council on May 14th, and

WHEREAS, based upon policy direction received from Council, staff will bind coverage through PEPIP,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Risk Manager is hereby authorized to bind property and boiler and machinery insurance coverage as presented by the City's Broker of Record, including increasing the City's deductible for vehicles comp and collection coverage from $5,000 to $25,000.

BE IT FURTHER RESOLVED that the Budget Department will amend the Risk Management Budget appropriately for the increases.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO FORM

By: Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-255

A RESOLUTION FINDING THAT THE FOLLOWING PROJECTS ARE CONSISTENT WITH THE SCOPE OF THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE 1994 SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR VILLAGE ONE: EXCAVATION OF THE CENTRAL AND WEST BASINS LOCATED IN VILLAGE ONE (CITY INITIATED)

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Program Environmental Impact Report ("EIR") (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, on May 24, 1994 the Modesto City Council certified the Final Supplemental EIR for Village One which supersedes and updates the Village One Program EIR, and

WHEREAS, on January 9, 2001, the Modesto City Council reviewed and considered Environmental Assessment No. EA/CDD 2000-73, and adopted findings that the project proposed within Precise Plan Area No. 31, including but not limited to the excavation and construction of the proposed storm drain basin known as the Central Basin, was within the scope of the Village One Program Environmental Impact Report (SCH No. 90020181), as amended by the 1994 Final Supplemental EIR for Village One, and

WHEREAS, on July 24, 2001, the Modesto City Council reviewed and considered Environmental Assessment No. EA/CDD 2001-41, and adopted findings that the project proposed in Precise Plan Area No. 14, including but not limited to the excavation and construction of the storm drain basin/park known as the West Basin, was within the scope of the Village One Program Environmental Impact Report (SCH No. 90020181), as amended by the 1994 Final Supplemental EIR for Village One, and

WHEREAS, the City of Modesto desires to undertake projects to excavate both the Central and West storm drainage basins located in Village One, and

WHEREAS, the City's Community Development and Economic Department reviewed the proposed projects to determine if said projects might have a significant effect on the environment as set forth in Environmental Impact Reports EA/CDD 2000-73 and EA/CDD 2001-41, and

WHEREAS, pursuant to Environmental Impact Reports EA/CDD 2000-73 and EA/CDD 2001-41, the City's Community Development and Economic Department has determined that the proposed projects have been adequately addressed and therefore, are within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the 1994 Village One Supplemental EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council hereby makes the following findings:

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, these projects are within the scope of the projects covered by the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new environmental document or findings are required by CEQA.
2. These projects will have no new effects that were not examined in the Program EIR and no new mitigation measures would be required.
3. There are no substantial changes proposed in the projects that will require major revisions of the Program EIR.
4. There are no substantial changes occurring with respect to the circumstances under which the projects are being undertaken which will require major revisions in the Program EIR.
5. No new information, which was not known and could not have been known at the time the Program EIR was certified as complete, has become available.
6. There are no specific features that are unique to the proposed projects that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for these projects.
7. All feasible mitigation measures set forth in the Program EIR that are appropriate to these projects shall be incorporated in the projects.
8. Environmental Assessment Nos. EA/CDD 2000-73 and EA/CDD 2001-41 provide the substantial evidence to support the above findings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-256

A RESOLUTION AMENDING THE BUDGET BY $1,032,000.00 TO PROVIDE ADDITIONAL FUNDING FOR THE COST OF REFBUILDING NINE (9) 1990 GILLIG TRANSIT BUSES.

WHEREAS, Resolution 2001-123 was approved by the City Council on March 20, 2001, to issue a contract with Complete Coach Works of Riverside, California to re-power and re-build nine 1983 Gillig Buses, and

WHEREAS, the Engineering and Transportation Department has requested that a change order for $1,032,000.00 be issued to this existing contract dated March 20, 2001, with Complete Coach Works to add nine additional buses to the contract, and

WHEREAS, the cost to rebuild and re-power each bus is expected to be approximately $114,618, including non-contract costs, and

WHEREAS the original Complete Coach Works Contract was funded in CIP 6510-160-L102 with Federal and Local Transportation Funds as adopted in the FY2002 CIP Budget, and

WHEREAS new Federal and Local Transportation Funds will be available to the City for the Funding of this project in FY2003,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the budget to increase expense account CIP 6510-160-L102 Refurbish 1983/1990 Gillig Buses, by $1,032,000.00, said increased funds coming from reserve account in Fiscal Year 2002-2003 City CIP Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-256A

A RESOLUTION AMENDING RESOLUTION 2001-123 AND APPROVING A CHANGE ORDER IN THE AMOUNT OF $1,032,000.00 TO AN EXISTING CONTRACT WITH COMPLETE COACH WORKS, OF RIVERSIDE, CALIFORNIA, TO ALLOW FOR THE REBUILDING OF NINE (9) 1990 GILLIG TRANSIT BUSES.

WHEREAS, by Resolution No. 2001-123 the City Council approved a contract with Complete Coach Works of Riverside, California, on March 20, 2001, to re-power and rebuild nine 1983 Gillig Buses, and

WHEREAS, the Engineering and Transportation Department has requested that a change order for $1,032,000.00 be issued to the existing contract with Complete Coach Works, to add nine (9) additional 1990 Gillig buses to the contract, and

WHEREAS, this project consists of replacing and repairing mechanical components in each of the subject buses as necessary, dependent upon their condition, and adding new equipment, and

WHEREAS, the interior of the buses will include a new driver's area and refurbished wheelchair tie-down equipment, and

WHEREAS, the interior will also include the addition of air-assisted exit doors, a new passenger signal system, and a video surveillance system, and

WHEREAS, the buses will be powered with state of the art clean diesel engines with exhaust which appears smokeless, and

WHEREAS, the component prices for the original contact will apply to the change order, and

WHEREAS, the cost to rebuild and re-power each bus is expected to be approximately $114,618, including non-contract costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a change order to the Complete Coach Works contract dated March 20, 2001, in the amount of $1,032,000.00 for the rebuilding of nine (9) additional 1990 Gillig buses.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute a change order to the contract with Complete Coach Works for $1,032,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-257

A RESOLUTION APPROVING THE FINAL MAP OF MONTEREY BAY UNIT NO. 3 SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, BRIGHT DEVELOPMENT, a California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 12.72 acres, known as Monterey Bay Unit No. 3 in the Carver-Bangs Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 17th day of April, 2000, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said MONTEREY BAY UNIT NO. 3 meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code,

which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Keating, O'Bryant
NOES:	Councilmembers:	Frohman, Jackman, Mayor Sabatino
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-258

Print

A RESOLUTION APPROVING A FIVE-YEAR AGREEMENT WITH MV TRANSPORTATION, INC. TO OPERATE THE MODESTO AREA EXPRESS (MAX) BUS SERVICE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the existing agreement with Laidlaw Transit Services to operate the Modesto Area Express (MAX) bus service expires May 31, 2002, and

WHEREAS, the City wishes to continue providing bus service to the citizens of Modesto, and

WHEREAS, the City Council authorized staff to solicit proposals for a new five-year contract to be effective June 1, 2002, and

WHEREAS, four proposals were received for the contract, and

WHEREAS, MV Transportation, Inc. submitted the lowest price for the five-year contract, and

WHEREAS, certain Councilmembers, having personally experienced the service levels of Laidlaw, found them less than satisfactory, and

WHEREAS, the RFP (pg. A-2, para. c) reserved to the City Council the right to award a contract to the proposer best suiting the City's needs as determined by the Council, whether or not the City Council's choice is consistent with staff's recommendation for the award, and

WHEREAS, the City reserved the right to be the sole judge of the responsibility and suitability of any proposer, and

WHEREAS, the City Council determined that MV Transportation, Inc. would provide an acceptable level of service,

NOW, THEREFORE, BE IT RESOLVED by the City Council that it hereby approves a five-year operations contract with MV Transportation Inc., on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-259

A RESOLUTION CHANGING THE PUBLIC HEARING DATE OF JUNE 18, 2002, SET BY RESOLUTION NO. 2002-195 FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISION NOS. 1-6, AND SETTING A NEW PUBLIC HEARING DATE OF JUNE 25, 2002, ON THE QUESTION OF THE LEVY OF THE PROPOSED ANNUAL ASSESSMENT

WHEREAS, Resolution No. 2002-195, adopted by the Council of the City of Modesto on April 23, 2002, set a public hearing date of June 18, 2002, on the question of the levy of the proposed annual assessment, and

WHEREAS, under the revised city Council Calendar, the Council will not be meeting on June 18, 2002,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the public hearing on the question of the levy of the proposed annual assessment for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivision Nos. 1-6 will be held on Tuesday, June 25, 2002, at the hour of 5:15 p.m. in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-260

A RESOLUTION CHANGING THE PUBLIC HEARING DATE OF JUNE 18, 2002 SET BY RESOLUTION NO. 2002-196 FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISION NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 2, AND SETTING A NEW PUBLIC HEARING DATE OF JUNE 25, 2002, ON THE LEVY OF THE PROPOSED ANNUAL ASSESSMENT

WHEREAS, Resolution No. 2002-196 adopted by the Council of the City of Modesto on April 23, 2002, set a public hearing date of June 18, 2002 on the question of the levy of the proposed annual assessment, and

WHEREAS, under the revised city Council Calendar, the Council will not be meeting on June 18, 2002,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the public hearing on the question of the levy of the proposed annual assessment for Landscape maintenance Assessment District No. 2 for Dry Creek Meadows Subdivision Nos. 7-10 will be held on Tuesday, June 25, 2002, at the hour of 5:15 p.m. in the Tenth Street Place chambers located at 1010 10th Street, Modesto, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-261

A RESOLUTION AWARDING A BID TO, AND AUTHORIZING THE CITY MANAGER TO ENTER AN AGREEMENT WITH PHARMACEUTICAL CARE NETWORK (PCN), SACRAMENTO, CA, TO PROVIDE A PHARMACY BENEFITS MANAGEMENT (PBM) PROGRAM FOR THE CITY OF MODESTO WORKERS' COMPENSATION PROGRAM FOR AN ESTIMATED ANNUAL AMOUNT OF $110,000.00, WITH THE OPTION OF THREE (3) ADDITIONAL, ONE-YEAR EXTENSIONS.

WHEREAS, the City of Modesto has deemed it necessary have a Pharmacy Benefits Management program for the City of Modesto, Workers' Compensation Program, and

WHEREAS, a Pharmacy Benefits Management (PBM) program traditionally has afforded significant cost savings to the City on Workers' Compensation pharmacy claims, and

WHEREAS, the estimated cost for the Pharmacy Benefits Management Program is $110,000.00 annually, and

WHEREAS, based on increased vendor competition, and following Council approval, staff solicited bid proposals, and

WHEREAS, nine (9) vendors were solicited and one (1) chose to respond, and

WHEREAS, said response was received from Pharmaceutical Care Network (PCN), Sacramento, CA, and

WHEREAS, PCN is currently providing PBM program services to the City for it's Workers' Compensation Program, and

WHEREAS, PCN has agreed to hold their current pricing rate and provide the City with enhanced reporting and software capabilities, and

WHEREAS, by awarding a bid to the existing vendor the City shall ensure continuity of services, and

WHEREAS, the Risk Management Division of the Personnel Department has worked closely with the Purchasing Division of the Finance Department in the evaluation of the bid specifications, and

WHEREAS, the City Manager upon Council approval will enter into a three (3) year agreement with Pharmaceutical Care Network (PCN) Sacramento, CA, with three (3), one year extension options, to provide a Pharmacy Benefits Management program for the City of Modesto, Workers' Compensation program, for an annual estimated cost of $110,000.00,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby awards a bid to Pharmaceutical Care Network (PCN) of Sacramento, CA, to provide a Pharmacy Benefits Management program for the City of Modesto, Workers' Compensation program, for an annual estimated cost of $110,000.00,

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to enter into, and execute, a three (3) year agreement with PCN, with three (3), one-year extension options,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By: Michael D. Milich
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 – 262

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION FOR "PROPOSITION 12" TREE PLANTING GRANT PROGRAM FUNDS AND NEGOTIATE AN AGREEMENT WITH THE STATE DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOR SUBSEQUENT COUNCIL APPROVAL.

WHEREAS, the Governor of the State of California, in cooperation with the California State Legislature, has enacted Proposition 12 which provides funds to the State of California and its political subdivisions for urban forestry programs, and

WHEREAS, the State Department of Forestry and Fire Protection has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing application by local agencies and non-profit organizations under the program, and

WHEREAS, said procedures established by the State Department of Forestry and Fire Protection require the applicant to certify by resolution the approval of the application before submission of said application to the State, and

WHEREAS, the applicant will negotiate an agreement with the State of California to carry out a tree planting project and return to the Council for approval of the agreement,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

1. The City Council approves the submittal of an application for "Proposition 12" tree planting grant program funds, and
2. Certifies that the City has or will have sufficient funds to operate and maintain the project, and
3. Certifies that funds are available to begin the project, and
4. Certifies that the City shall expend grant funds prior to March 1, 2005.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said grant application and negotiate subsequent agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duty seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael Milich

MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-263

A RESOLUTION SUPPORTING AN APPLICATION BY THE STANISLAUS COUNCIL OF GOVERNMENTS FOR $3,375,584 FOR BICYCLE TRANSPORTATION ACCOUNT PROGRAM FUNDING THROUGH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR DEVELOPMENT OF PHASES I AND III OF THE VIRGINIA CORRIDOR AND CERTIFYING AVAILABILITY OF $375,065 FOR THE REQUIRED TEN PERCENT (10%) LOCAL SHARE OF THE TOTAL PROJECT COST OF $3,750,649.

WHEREAS, the City of Modesto is currently developing a Master Plan for the Virginia Corridor Bike Path, and

WHEREAS, staff has been informed of the opportunity for StanCOG to apply for Bicycle Transportation Account (BTA) funding on behalf of the City of Modesto through the State of California Department of Transportation, and

WHEREAS, the BTA is intended to provide funds for transportation projects that provide important and low cost modes of transportation and that improve safety and convenience for bicycle commuters, and

WHEREAS, the total costs for both phases of the project are estimated to be $3,750,649, and

WHEREAS, a local match of 10% ($375,065) is required, with the match to be provided from the Park Fund (1400),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby supports an application by the Stanislaus Council of Governments for $3,375,584 for Bicycle Transportation Account program funding through the State of California Department of Transportation for development of phases I and III of the Virginia Corridor and certifying availability of $375,065 for the required ten percent (10%) local share of the total project cost of $3,750,649.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-264

A RESOLUTION SUPPORTING INCLUSION OF THE VIRGINIA CORRIDOR BIKE PATH AND A PORTION OF PELANDALE AVENUE AS PROPOSED BICYCLE ROUTES IN THE STANISLAUS COUNCIL OF GOVERNMENTS 2001 REGIONAL BIKE PLAN.

WHEREAS, the City of Modesto is currently developing a Master Plan for the Virginia Corridor Bike Path, and

WHEREAS, supporting inclusion of the Virginia Corridor Bike Path and a portion of Pelandale Avenue as proposed bicycle routes in the StanCOG 2001 Regional Bicycle Plan will make the City of Modesto eligible for Bicycle Transportation Account (BTA) funding for bicycle-related projects within these two defined areas, and

WHEREAS, the BTA is intended to provide funds for transportation projects that provide important and low cost modes of transportation and that improve safety and convenience for bicycle commuters,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby supports inclusion of the Virginia Corridor Bike Path and a portion of Pelandale Avenue as proposed bicycle routes in the StanCOG 2001 Regional Bicycle Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: _____
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-265

A RESOLUTION APPROVING THE SALE OF THE NOTE AND DEED OF TRUST EXECUTED BY THE PRESCOTT ESTATE HOMEOWNERS ASSOCIATION TO CHRYSLER PALISADES ASSOCIATES LP FOR THE AMOUNT OF $120,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS FOR THE SALE.

WHEREAS, on October 1, 1998, the City of Modesto entered into an agreement with Prescott Homeowners Association for a loan of $150,000 for roof repairs, with the property and units at Prescott Estates taken as collateral, and

WHEREAS, Chrysler Palisades Associates, a limited partnership, has purchased a majority of the units at Prescott Estates which give them control of the Homeowners Association, and

WHEREAS, Chrysler Palisades Associates desires to purchase the Note and Deed of Trust executed by Prescott Estates Homeowners Association for $120,000, and

WHEREAS, the Housing Rehabilitation Loan Committee met on May 9, 2002, and supported the recommendation to sell the Note and Deed of Trust to Chrysler Palisades Associates,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the sale of the Note and Deed of Trust executed by the Prescott Estates Homeowners Association to Chrysler Palisades Associates LP for the amount of $120,000.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute the necessary documents for the sale.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-266

A RESOLUTION APPROVING A PROFESSIONAL SERVICE AGREEMENT WITH TOWN HALL SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT AND AUTHORIZING THE CITY MANAGER TO INCREASE THE SCOPE OF THE AGREEMENT BY $6,500 SHOULD AN INCREASE IN THE SCOPE OF THE STUDY BE DEEMED DESIRABLE

WHEREAS, the City of Modesto periodically updates its Capital Facility Fee program, and

WHEREAS, the City Council approved a capital improvement budget to conduct a study to update the Capital Facility Fee program,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Town Hall Services.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to increase the scope of the agreement with Town Hall Services by $6,500 should such increase in scope of the study be desirable in the City Manager's judgment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto on the 28th of May, 2002 by Councilmember Fisher, who moved its adoption, which motion was duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-267

A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION OF THE FISCAL YEAR 2003 ANNUAL TRANSPORTATION CLAIM, FOR TRANSIT PURPOSES ONLY, TO THE STANISLAUS COUNCIL OF GOVERNMENTS

WHEREAS, the greatest portion of the City's funding for the Transit Service Program, other than fare revenues and federal funds, is the Local Transportation Fund (LTF), and

WHEREAS, on February 13, 2002, the Stanislaus Council of Governments (StanCOG) pursuant to Section 99401.6 of the California Public Utility Codes (PUC) determined that there are no unmet transit needs or that there are no unmet transit needs that are reasonable to meet, and

WHEREAS, StanCOG has informed the Finance Department that LTF funding has been apportioned by the State to StanCOG for allocation to transportation public agencies pursuant to Sections 99233.3 and 99234 of the California PUC, and

WHEREAS, the City has developed an application for fiscal year 2003 LTF reimbursement pursuant to Section 99233.3 of the California PUC, and

WHEREAS, the City's transit LTF claim for fiscal year 2003 is $3,781,059, and

WHEREAS, the total transit and capital budget is $10,064,046, and

WHEREAS, Council action authorizing the claim is required by StanCOG pursuant to Section 99261 of the California PUC before any LTF funding can be released to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the annual LTF transit claim in the amount of $3,781,059, and

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute and submit the transit claim for apportionment of LTF funds to StanCOG for Fiscal Year 2003.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Council member Fisher, who moved its adoption, which motion being duly seconded by Council member Frohman, was upon roll call carried and the resolution adopted by the following vote:

Ayes.	Council members:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
Noes:	Council members:	None
Absent:	Council members:	None

Attest: Jean Zahr
Jean Zahr, City Clerk

APPROVED AS TO FORM:
By
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-268

A RESOLUTION APPROVING REIMBURSEMENT OF $143,065.26 TO BIG VALLEY GRACE CHURCH FOR IMPROVEMENTS INSTALLED IN COMMUNICTY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER)

WHEREAS, the Community Facilities District Administrator of the City is required to deny reimbursement for facilities provided by developers which are otherwise CFD reimbursable in circumstances where the developer does not enter into a written agreement with the Community Facilities District Administrator prior to construction of the otherwise reimbursable facilities, and

WHEREAS, Big Valley Grace Church did provide certain CFD reimbursable facilities, in the amount of $143,065.26, in the Carver-Bangs/Pelandale-Snyder Community Facilities District No. 1998-2 without first entering into a written agreement with the Community Facilities District Administrator, and

WHEREAS, Big Valley Grace Church did not have actual knowledge of the legal requirement that it procure a written agreement, in the nature of a public works contract, and that it receive a Notice To Proceed from the District Administrator prior to commencement of construction of the subject facilities, and

WHEREAS, it is the view of the City Council that Big Valley Grace Church should be reimbursed, in full, for the facilities it installed absent a written agreement or a Notice To Proceed.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto determines that the District Administrator's determination, in accordance with law, that Big Valley Grace Church should receive nothing for the facilities provided by it in the Carver-Bangs/Pelandale-Snyder Community Facilities District Administrator is hereby overruled, and Big Valley Grace Church shall be awarded $143,065.26, the amount of reimbursement to which it would have been entitled had it entered into a written agreement with the Community Facilities District Administrator.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-269

A RESOLUTION APPROVING REIMBURSEMENT OF $16,662.60 TO CALVARY CHAPEL FOR IMPROVEMENTS INSTALLED IN COMMUNICTY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER)

WHEREAS, the Community Facilities District Administrator of the City is required to deny reimbursement for facilities provided by developers which are otherwise CFD reimbursable in circumstances where the developer does not enter into a written agreement with the Community Facilities District Administrator prior to construction of the otherwise reimbursable facilities, and

WHEREAS, Calvary Chapel did provide certain CFD reimbursable facilities, in the amount of $16,662.60, in the Carver-Bangs/Pelandale-Snyder Community Facilities District No. 1998-2 without first entering into a written agreement with the Community Facilities District Administrator, and

WHEREAS, Calvary Chapel did have actual knowledge of the legal requirement that it procure a written agreement, in the nature of a public works contract, and that it receive a Notice To Proceed from the District Administrator prior to commencement of construction of the subject facilities, and

WHEREAS, it is the view of the City Council that Calvary Chapel should be reimbursed, in full, for the facilities it installed absent a written agreement or a Notice To Proceed.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto determines that the District Administrator' s determination, in accordance with law, that Calvary Chapel should receive nothing for the facilities provided by it in the Carver-Bangs/Pelandale-Snyder Community Facilities District Administrator is hereby

overruled, and Calvary Chapel shall be awarded $16,662.60, the amount of reimbursement to which it would have been entitled had it entered into a written agreement with the Community Facilities District Administrator.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-270

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER DENNY JACKMAN TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the Citizens Advisory Committee on Recycling includes one member of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember DENNY JACKMAN is hereby appointed as the City Council representative to the Citizens Advisory Committee on Recycling.

RESCINDED

6-11-02

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2002-307

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-271

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER TIM FISHER TO THE HOUSING REHABILITATION LOAN COMMITTEE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the Housing Rehabilitation Loan Committee includes one member of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember TIM FISHER is hereby appointed as the City Council representative to the Housing Rehabilitation Loan Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-272

Print

A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR CARMEN SABATINO AND COUNCILMEMBER WILL O'BRYANT TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the Citizens Housing and Community Development Committee includes two members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Mayor CARMEN SABATINO and Councilmember WILL O'BRYANT are hereby appointed as the City Council representatives to the Citizens Housing and Community Development Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-273

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER BILL CONRAD TO THE CITIES-COUNTY COMMITTEE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the Cities-County Committee includes one member of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember BILL CONRAD is hereby appointed as the City Council representative to the Cities-County Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-274

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER WILL O'BRYANT, COUNCILMEMBER BILL CONRAD, COUNCILMEMBER TIM FISHER, CITY MANAGER JACK CRIST AND CITY ATTORNEY MIKE MILICH TO THE CITY/COUNTY LIAISON COMMITTEE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the City/County Liaison Committee includes three members of the Modesto City Council, the City Manager and the City Attorney to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember WILL O'BRYANT, Councilmember BILL CONRAD, Councilmember TIM FISHER , City Manager JACK CRIST and City Attorney MIKE MILICH are hereby appointed as the City Council representatives to the City/County Liaison Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-275

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER BRUCE FROHMAN AND COUNCILMEMBER TIM FISHER TO THE CITY/MID ECONOMIC DEVELOPMENT COORDINATING COMMITTEE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the City/MID Economic Development Coordinating Committee includes two members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember BRUCE FROHMAN and Councilmember TIM FISHER are hereby appointed as the City Council representatives to the City/MID Economic Development Coordinating Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-276

A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR CARMEN SABATINO AND COUNCILMEMBER BILL CONRAD AS ALTERNATE TO THE ECONOMIC DEVELOPMENT LOAN COMMITTEE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the Economic Development Loan Committee includes one member of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Mayor CARMEN SABATINO and Councilmember BILL CONRAD as alternate are hereby appointed as the City Council representatives to the Economic Development Loan Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-277

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER WILL O'BRYANT AND COUNCILMEMBER BRUCE FROHMAN AS ALTERNATE TO THE ECONOMIC DEVELOPMENT ACTION COMMITTEE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the Economic Development Action Committee includes one member of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember WILL O'BRYANT and Councilmember BRUCE FROHMAN as alternate are hereby appointed as the City Council representatives to the Economic Development Action Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-278

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER DENNY JACKMAN AND COUNCILMEMBER WILL O'BRYANT AND JOCELYN REED AS ALTERNATES TO THE INTEGRATED WASTE MANAGEMENT LOCAL TASK FORCE COMMITTEE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto. and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the Integrated Waste Management Local Task Force Committee includes one member of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember DENNY JACKMAN and Councilmember WILL O'BRYANT and JOCELYN REED as alternates are hereby appointed the City Council representatives to the Integrated Waste Management Local Task Force Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: _____
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-279

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER DENNY JACKMAN TO THE INTER-REGIONAL PARTNERSHIP BOARD

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the Inter-Regional Partnership Board includes one member of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember DENNY JACKMAN is hereby appointed as the City Council representative to the Inter-Regional Partnership Board.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-280

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER BILL CONRAD TO THE LEAGUE OF CALIFORNIA CITIES – CENTRAL VALLEY DIVISION EXECUTIVE COMMITTEE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the League of California Cities Central Valley Division Executive Committee includes one member of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember BILL CONRAD is hereby appointed as the City Council representative to the League of California Cities Central Valley Division Executive Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-281

A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR CARMEN SABATINO, COUNCILMEMBER TIM FISHER, COUNCILMEMBER JANICE KEATING AND COUNCILMEMBER DENNY JACKMAN TO THE MID DOMESTIC WATER POLICY BOARD

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the MID Domestic Water Policy Board includes four members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Mayor CARMEN SABATINO, Councilmember TIM FISHER, Councilmember JANICE KEATING, and Councilmember DENNY JACKMAN are hereby appointed as the City Council representatives to the MID Domestic Water Policy Board.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-282

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER WILL O'BRYANT TO THE SCEDCO BOARD

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the SCEDCO Board includes one member of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember WILL O'BRYANT is hereby appointed as the City Council representative to the SCEDCO Board.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-283

Print

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER TIM FISHER, COUNCILMEMBER BRUCE FROHMAN, MAYOR CARMEN SABATINO AND COUNCILMEMBER DENNY JACKMAN AS ALTERNATE TO THE STANCOG POLICY BOARD

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the StanCOG Policy Board includes three members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember TIM FISHER, Councilmember BRUCE FROHMAN, MAYOR CARMEN SABATINO, and Councilmember DENNY JACKMAN as alternate are hereby appointed as the City Council representatives to the StanCOG Policy Board.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Mike Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-284

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER JANICE KEATING TO THE STANISLAUS COUNTY WATER COORDINATING ADVISORY COMMITTEE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the Stanislaus County Water Coordinating Advisory Committee includes one member of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember JANICE KEATING is hereby appointed as the City Council representative to the Stanislaus County Water Coordinating Advisory Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-285

A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR CARMEN SABATINO AND COUNCILMEMBER TIM FISHER AS ALTERNATE TO THE TID JOINT POWERS AUTHORITY

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the TID Joint Powers Authority includes one member of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Mayor CARMEN SABATINO and Councilmember TIM FISHER are appointed as the City Council representative to the TID Joint Powers Authority.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-286

A RESOLUTION ACCEPTING THE BID OF D. A. WOOD CONSTRUCTION FOR THE PROJECT TITLED "OAKBROOK APARTMENT LIFT STATION"

WHEREAS, the bids received for Oakbrook Apartment Lift Station were opened at 11:00 a.m. on May 14, 2002, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $85,886.74 received from D. A. Wood Construction be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of D. A. Wood Construction be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-287

A RESOLUTION AMENDING THE 2001-2002 CAPITAL IMPROVEMENT BUDGET BY $52,000 TO FULLY FUND THE OAKBROOK APARTMENT LIFT STATION PROJECT

WHEREAS, the bids received for the Oakbrook Apartment Lift Station project were opened at 11:00 a.m. on May 14, 2002, and

WHEREAS, the low bid for the project was for $85,886.74, which exceeds the amount previously budgeted for this project, and

WHEREAS, the City desires to fully fund this project, and funds are available in the Wastewater Reserve Fund 6210-800-8000-8003.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following budget expense accounts shall be increased by the following:

EXPENSES: 6210-480-M276-6040; $33,105.00
6210-480-M276-6050; $8,589.00
6210-480-M276-6060; $10,306.00

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-288

A RESOLUTION REJECTING THE BID FOR THE PROJECT TITLED "BOWEN AVENUE ROUNDABOUTS"

WHEREAS, the bids received for Bowen Avenue Roundabouts were opened at 11:00 a.m. on April 23, 2002, and

WHEREAS, during the bid evaluation process, staff determined that the sole bid unreasonably exceeds the Engineer's estimate; therefore, staff recommends the bid be rejected and the specifications be revised and re-solicitation for this service be conducted at a later date,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Bowen Avenue Roundabouts, opened in the office of the City Clerk on April 23, 2002, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

RESCINDED
Print
9-2-2003
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2003-471

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-289

A RESOLUTION GRANTING APPROVAL FOR THE INTERNATIONAL FESTIVAL COMMITTEE TO CONDUCT AN INTERNATIONAL FESTIVAL IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS, AND RESCINDING RESOLUTION NO. 99-424.

WHEREAS, the International Festival Committee (hereinafter referred to as the Committee) has filed a request with the City Council for permission to conduct the International Festival in the City of Modesto, and

WHEREAS, the International Festival is an annual event, which celebrates the ethnic and cultural diversity in the community, and the City co-sponsors the International Festival held annually each October, and

WHEREAS, the International Festival offers a variety of arts and crafts and food booths as well as entertainment, and the Committee has requested the use of Graceada and Enslen Parks for the International Festival, and

WHEREAS, the Committee has requested direct City assistance for the festival, and

WHEREAS, the Human Services Committee met on May 1, 2002, and recommended supporting the proposed festival changes, and

WHEREAS, the Council has considered the request for direct City assistance with the International Festival activities, and the Council deems it appropriate to grant approval of the changes and assistance to the Committee relating to said request, subject to certain conditions,

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the following changes, subject to the conditions set forth, relating to the Committee's request for direct City Assistance with the International Festival activities.

1. The Committee will conduct the International Festival annually on Saturday and Sunday of the first weekend in October.

2. The event will be conducted from 11:00 a.m. to 9:00 p.m., on Saturday, and 11:00 a.m. to 7:00 p.m. on Sunday.

3. The committee will be allowed Festival setup on the day prior to the event from 9:00 a.m. to 9:00 p.m.

4. The City shall provide and set up the portable stage with awning at Graceada Park prior to 8:00 a.m. on Saturday for entertainment and will remove said stage after 7:00 p.m. on the final event day.

5. The City shall provide and set up the 30' x 40' awning at Graceada Park on Friday, and will remove said awning after 7:00 p.m. Sunday.

6. The City shall allow the Committee the use of amplified instrumentation at the event during designated event times at a volume not to disturb the adjoining neighborhoods.

7. The Committee shall be responsible for providing a technician for electrical services for the food booths, sound systems, and light systems. The City shall provide a technician to connect the Committee's sound system to the electrical power at Mancini Bowl.

8. The City shall allow the Committee the use of temporary signs and banners during the designated event time at Graceada and Enslen Parks.

9. The City shall allow use of a banner to be displayed in Graceada Park two weeks prior to the event date. Banner must be approved by City and Committee must pay for installation and removal of said banner by 12:00 noon on the Monday following the festival.

10. The City shall provide 60 garbage cans, liners and litter removal from the park site during the event. Cans will be delivered on Friday, prior to the event and removed after the event on Monday.

11. The Committee shall be responsible for removing any and all trash, garbage or refuse left on private property.

12. The City shall provide the cost of mailing up to 800 pieces of information, not to exceed $300.00.

13. The Committee shall adhere to all Alcoholic Beverage Control requirements, specifically that all alcoholic beverages shall remain within the enclosed "beer & wine garden" sales area.

14. The Committee shall be responsible for providing portable toilets at the park site.

15. The City shall waive all fire inspection and business license fees and shall exempt festival from the sign ordinance during festival hours; however, the Committee shall be responsible for any and all other fees as may be required by other agencies.

16. The Committee shall provide its own hired, licensed and insured 24-hour security for the beer and wine garden as well as nighttime security.

17. The City will provide shuttle bus service to Graceada Park, the route and times will be determined by the Director of Engineering and Transportation. The City will provide necessary barricades and signs for the shuttle service and will remove barricades and signs at the conclusion of the event.

18. The City will provide police assistance during the International Festival activities as deemed necessary by the Police Chief.

19. The City will provide barricades to be placed on the streets around the perimeter of Graceada and Enslen Parks to provide curbside parking for the Committee during the event.

20. The City shall close Stoddard Avenue between Park and Enslen Avenues during the festival.

21. All public improvements shall be left in the same condition as existed prior to the Festival.

22. All private and public property used as a result of the Festival, either directly or indirectly, shall be left in a safe and non-hazardous condition. Any obstructions to public or private use shall be removed by the Committee not later than 12:00 p.m. on Monday, after the event.

BE IT FURTHER RESOLVED that the following conditions shall apply to the request of the Committee relating to its International Festival:

1. That the City of Modesto shall indemnify and hold harmless the Committee from any and all liability, costs, damages, for injuries to persons or damage to property, which may arise out of or in any way be connected with the ordinary and customary condition of City property and facilities, or which may arise out of the negligent acts or omissions of any officer, agent, or employee of the City of Modesto.

2. That the Committee shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees from any and all liability, costs, damages or injuries to persons or damage to property, which may arise out of or in any way be connected with the Committee's International Festival and the use of the City facilities for the Committee's International Festival.

3. That the Committee shall provide to the City Clerk current and valid certificate(s) of insurance that are in compliance with the City of Modesto Standard Insurance requirements. Such insurance, at a minimum, shall include Commercial General Liability coverage in a primary amount of not less than $1,000,000 per occurrence; include the City of Modesto, it's agents, officers, employees, and volunteers, as an additional insured; provide the City with ten days' written notice prior to cancellation, alternation or material changes in coverage. The Committee shall also file acceptable verification of coverage for legal liquor liability. Such verifications shall be submitted to the Risk Manager and shall meet with his approval one week prior to the date of the Festival. Upon approval, said verification shall be filed with the City Clerk.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Committee with a copy of this resolution. The Committee shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

BE IT FURTHER RESOLVED that Resolution No. 99-424 adopted August 24, 1999, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-290

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO APPROVING A PARKING AGREEMENT BY AND BETWEEN THE CITY OF MODESTO ("CITY") , THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO ("RDA") AND BRADLEY L. HAWN, NANCY HAWN, JACK P. DELIDDO, AND CARLA DELIDDO ("LICENSEES") AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.

WHEREAS, in 1987, the City entered into a lease with Licensees to lease the underground floor of a two-story parking area located at the southwest corner of 11th and K Streets. The purpose of said lease was to provide parking for Licensee's building across 11th Street (now the "Pacific Center"), and

WHEREAS, the City entered into said five-year lease with a five-year option and Licensees paid rent for thirty-three (33) spaces in said underground lot, and

WHEREAS, in July 1997 Tenth Street Place was under construction and the parking area at 11th and K Streets, which was the subject of said parking lease, needed to be demolished to make way for the new parking garage, and

WHEREAS, Licensee's parking lease was terminated as part of the Tenth Street Place project and City agreed to allow Licensee's tenants to relocate their parking spaces in the Modesto Centre Plaza at-grade parking lot at the corner of 11th and K Streets during the construction period, and

WHEREAS, other than relocating the parking spaces, all terms, conditions and payments remained in effect from the 1987 agreement, and

WHEREAS, Licensees have re-evaluated their needs for tenant parking and have requested a Parking License Agreement for a total of fifty-five (55) parking spaces in proximity to Licensee's building which is attached hereto as "**EXHIBIT A**" and made a part hereof by this reference, and

WHEREAS, CITY and RDA have reviewed the previous agreements and the intent of said agreements as they relate to the current parking needs of both Owners and the other users of Tenth Street Place, and

WHEREAS, CITY and RDA have determined that said Parking License Agreement for thirty-three (33) spaces in the Tenth Street Place garage and for twenty-two (22) spaces in the Eleventh Street Garage would provide adequate spaces for Licensee's tenants and would continue to allow a reasonable inventory of parking spaces for all other users of Tenth Street Place, and

WHEREAS, said Parking License Agreement was reviewed by the Council's Community Development and Housing Committee on May 13, 2002, which Committee recommended the approval of said Agreement to the Council.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves said Parking License Agreement by and between the City of Modesto, the Redevelopment Agency of the City of Modesto and Bradley L. Hawn, Nancy Hawn, Jack P. Deliddo, and Carla Deliddo.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute all documents required to complete said Parking License Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 4th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST Jean Zahr
Jean Zahr, City Clerk

APPROVED AS TO FORM:
By
Michael D. Milich, City Attorney

PARKING LICENSE AGREEMENT

This License Agreement, made and entered into in the City of Modesto, County of Stanislaus, State of California, as of this _____ day of _____, 2002, by and between the CITY OF MODESTO, a municipal corporation of the State of California hereinafter called "CITY" and the REDEVELOPMENT AGENCY OF THE CITY OF MODESTO, a public body, corporate and politic, hereinafter called "RDA", and BRADLEY L. HAWN, NANCY HAWN, JACK P. DELIDDO, and CARLA DELIDDO, owners of Pacific Center, hereinafter called "LICENSEES".

THE PARTIES HERETO AGREE AS FOLLOWS:

1. LICENSEES. The RDA shall provide LICENSEES with thirty-three (33) monthly parking passes (or equivalent) (hereinafter called "Tenth Street spaces") for use by LICENSEES' office tenants from the Pacific Center, which is located at 1012 11th Street, in the Tenth Street Place parking garage. In addition, the CITY shall provide LICENSEES with twenty-two (22) monthly parking passes (or equivalent) (hereinafter called "Eleventh Street spaces") for use by LICENSEES' office tenants from the Pacific Center, which is located at 1012 11th Street, in the Eleventh Street Place parking garage. Said passes shall be provided on the same basis as the City of Modesto's regular parking pass program, which neither guarantees nor reserves parking spaces. The RDA and the CITY shall initially provide the passes for use at the Tenth Street and Eleventh Street parking garages. However, the RDA and the CITY reserve the right, subject to ninety (90) calendar days advance written notice to LICENSEES, and subject to the mutual agreement of the parties, to relocate these spaces to another location within blocks 66, 68, 84, 86, 91, 92 or 93. In the event that the parking is provided on one of these adjacent blocks instead of the said parking garages, LICENSEES shall be entitled to a reduction in the parking payments made to the RDA and/or the CITY. The extent of the reduction shall be as negotiated between the RDA and/or the CITY and LICENSEES.

The RDA, CITY and LICENSEES recognize that from time to time, in order to accommodate the parking needs of special events, it may be necessary to temporarily move monthly pass parking from said garages to another location downtown. LICENSEES agree to such temporary moves provided they apply equally to all other licensees and leasees within said garages.

No leasehold, or other interest in RDA's real property of any type, is intended to be created by this Agreement, which the parties intend only to create bare license to use RDA's property as herein described.

2. TERM. LICENSEES shall be entitled to the use of the spaces for a five (5) year term commencing on _____, 2002, and ending on _____, 2007.

LICENSEES shall have the option to extend the term of this License for one (1) additional five (5) year term upon the same terms and conditions as set forth in this License and two (2) additional five (5) year terms on terms to be mutually agreed upon between the parties. LICENSEES must give RDA and/or CITY ninety (90) days written notice of their intent to exercise their option. The last two (2) additional five (5) year terms will be conditioned on the availability of parking at the time the options are exercised.

3. LICENSE FEE.

a. Rental for the use of the spaces shall be in the amounts hereinafter set forth payable each month in advance commencing on _____, 2002, payable in lawful money of the United States to the City of Modesto's Director of Finance, P. O. Box 642, Modesto, CA 95353.

b. The monthly rental for the Tenth Street Parking Structure shall be based upon the monthly rental in effect for one parking space ("Single Space Rent") as it may be adjusted from time to time by the City Council in RDA's multi-level parking facility located in the Tenth Street Parking Structure multiplied by thirty-three (33)

c. The monthly rental for the Eleventh Street Parking Structure shall be based upon the monthly rental in effect for one parking space ("Single Space Rent") as it may be

adjusted from time to time by the City Council in CITY's multi-level parking facility located in the Eleventh Street Parking Structure multiplied by twenty-two (22).

4. TAXES. LICENSEES recognize and understand that this License Agreement may create a possessory interest subject to property taxation and that LICENSEES may be subject to the payment of property taxes on such interest. LICENSEES further agree to pay, without the right to deduct from rental fees provided herein, any and all property taxes, if any, assessed during the term of this License Agreement against LICENSEES' possessory interest in the licensed premises.

5. ASSIGNMENT BY LICENSEES. LICENSEES shall not assign this License Agreement nor any right hereunder, nor any part thereof, whether through direct assignment, merger, sale of stock or business assets, or otherwise, without the prior written consent of RDA's Executive Director and/or CITY's City Manager first had and obtained, and a consent to one assignment, shall not be deemed to be a consent to any subsequent assignment. Any such assignment, without such consent shall be void, and shall at the option of RDA's Executive Director and/or CITY's City Manager, terminate this License Agreement. This License Agreement shall not, nor shall any interest therein, be assignable, as to the interest of LICENSEES by operation of law, without the prior written consent of RDA and/or the CITY

6. INDEMNIFICATION. LICENSEES shall hold RDA, the City of Modesto, their agents, officers, employees, and volunteers, harmless from and save, defend and indemnify them against any and all claims, losses, liabilities and damages from every cause, including but not limited to injury to person or property or wrongful death, with the indemnity to include reasonable attorney's fees, and all costs and expenses, arising directly or indirectly out of any act or omission of LICENSEES, whether or not the act or omission arises from the sole negligence or other liability of RDA, the City of Modesto, their agents, officers, employees, and volunteers; relating to or during the performance of their obligations under this License Agreement.

7. LIABILITY INSURANCE. LICENSEES shall provide at their own expense and maintain at all times the following insurance with insurance companies licensed in the State of

California and shall provide evidence of such insurance to RDA and CITY as may be required by the Risk Manager of the City of Modesto. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the Risk Manager of the City of Modesto by registered mail, return receipt requested, for all of the following stated insurance policies.

General Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and $100,000 for property damage or $1,000,000 combined single limit. This insurance shall indicate on the Certificate of Insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; independent contractors and subcontractors; products and completed operations; and/or professional liability.

If at any time any of said policies shall be unsatisfactory to the Risk Manager of the City of Modesto, as to form or substance or if a company issuing such policy shall be unsatisfactory to the Risk Manager of the City of Modesto, LICENSEES shall promptly obtain a new policy, submit the same to the Risk Manager of the City of Modesto for approval and submit a certificate thereof as hereinabove provided. Upon failure of LICENSEES to furnish, deliver or maintain such insurance and certificates as above provided, this License Agreement, at the election of RDA, may be forthwith declared suspended, or terminated. Failure of LICENSEES to obtain and/or maintain any required insurance shall not relieve LICENSEES from any liability under this Licenses Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of LICENSEES concerning indemnification. The RDA and the City of Modesto, their agents, officers, employees, and volunteers shall be named as an additional insured on all insurance policies required herein, except Workers' Compensation. The Workers' Compensation insurer shall agree to waive all rights of subrogation against RDA, the City of Modesto, their agents, officers, employees, and volunteers for losses arising from work performed by LICENSEES for RDA. LICENSEES' insurance policy(ies) shall include a provision that the coverage is primary as respects the RDA and the City of Modesto; shall include no special

limitations to coverage provided to additional insured; and, shall be placed with insurer(s) with acceptable Best's rating of A:VII or with approval of the Risk Manager of the City of Modesto.

8. NATURE OF LICENSE; TERMINATION BY RDA PRIOR TO EXPIRATION. The license granted under this License Agreement is irrevocable for the term or any extension of this Agreement. The RDA's Executive Director and/or the CITY's City Manager shall have the right to immediately terminate this License Agreement, in whole or in part, solely on the occurrence of any of the following events:

a. Filing by or the final adjudication of LICENSEES of any petition in bankruptcy or the making of any transfer of general assignment for the benefit of creditors which has not been previously authorized by the RDA and/or the CITY.

b. The failure of LICENSEES to perform substantially or keep or observe any of the terms, covenants, and conditions which they are obligated to perform, keep or observe under this License Agreement after the expiration of a ninety (90) day period of a written warning or ultimatum given by RDA's Executive Director or CITY's City Manager to LICENSEES to correct any such deficiency or default.

c. Except for assignments as provided in this Agreement, the discontinuance by LICENSEES of their business operations as the owner and lessor of Pacific Center. Should this occur, the RDA or the CITY shall not be responsible for the custodial protection of merchandise, fixtures, or equipment abandoned, even though it is necessary for the RDA or the CITY to remove same from the garage structure for storage or disposal.

9. NOTICES: Any notice to or other communication to RDA, CITY or LICENSEES pursuant hereto shall be deemed validly given, served, or delivered upon deposit in the United States mail, registered and with proper postage and registration fee prepaid, addressed as follows:

To CITY: City Manager
City of Modesto
P. O. Box 642
Modesto, CA 95353

To RDA: Executive Director
Redevelopment Agency of the City of Modesto
P. O. Box 642
Modesto, CA 95353

To LICENSEES: Pacific Center
Attn: Brad Hawn
1012 11th Street, Suite 1000
Modesto, CA 95354

or to such other address as RDA, CITY or LICENSEES may designate by written notice to the other party delivered in accordance with the provisions of this paragraph.

10. COMPLIANCE WITH LAWS. LICENSEES shall not do or suffer to be done on or about the garage structures anything that would or does violate or conflict with any applicable law, ordinance, rule or regulation which is now in force or effect or which may hereafter be enacted or adopted by federal, state, county or municipal authority.

11. EXTINGUISHMENT. LICENSEES agree their license to use the garage structures is extinguished immediately upon termination of this License Agreement.

12. NONWAIVER. Any waiver of any breach of covenants or conditions herein contained to be kept and performed by either party shall be effective only if in writing and shall not be deemed or considered as a continuing waiver and shall not operate to bar or prevent the other party from declaring a forfeiture or exercising their rights for any succeeding breach of either the same or other condition or covenant.

13. COPARTNERSHIP DISCLAIMER. It is mutually understood and agreed that nothing in this License Agreement is intended or shall be construed as in any way creating or establishing the relationship of copartners between the parties hereto, or as constituting LICENSEES as agents or representatives of the RDA or the City of Modesto for any purpose or in any manner whatsoever.

14. ATTORNEY'S FEES. In the event that either party hereto shall commence any legal action or proceeding against the other by reason of the alleged failure of the other to perform any term, covenant, or condition of this License Agreement by them to be performed or

kept, the party prevailing in said action or proceeding shall be entitled to recover a reasonable attorney's fee to be fixed by the court, and such recovery shall include court costs and attorney's fee on appeal if any. As used herein, "the party prevailing" means the party in whose favor final judgment is rendered, and "legal action or proceeding" shall include arbitration.

15. TIME OF ESSENCE, BINDING UPON HEIRS, ETC. Time is of the essence of each and all the terms and provisions of this License Agreement and the terms and provisions of this License Agreement shall extend to and be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties hereto.

16. NUMBER AND GENDER. All words used herein in the singular number shall include the plural and the present tense shall include the future and the masculine gender shall include the feminine and neuter.

17. ENTIRE AGREEMENT. This License Agreement contains the sole and only agreement of the parties. Any prior agreements, promises, negotiations or representations not expressly set forth in this License Agreement are of no force or effect.

18. LANGUAGE CONSTRUCTION. The language of each and all paragraphs, terms, and/or provisions of this License Agreement shall, in all cases and for any and all purposes, and any and all circumstances whatsoever, be construed as a whole, according to its fair meaning, and not for or against any party hereto and with no regard whatsoever to the identity or status of any person or persons who drafted all or any portion of this Agreement.

19. GOVERNING LAW. This License Agreement is entered into and shall be construed and interpreted in accordance with the laws of the State of California.

20. VENUE. Venue for any action brought by either party to this License Agreement against the other to enforce the terms and conditions thereof shall be maintained in Stanislaus County, California, in the proper court having jurisdiction.

21. INVALID TERMS. If any terms, provision, covenant, or condition of this License Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the

rest of this License Agreement shall remain in full force and effect, and shall in no way be affected, impaired, or invalidated.

22. AMENDMENT. This License Agreement, including any exhibits hereto, shall not be amended, except in writing signed by the parties. Any amendment or addendum to this License Agreement shall expressly refer to this License Agreement.

23. EXERCISE OF DISCRETION. Where the terms of this License Agreement require approval, consent, written consent, or the exercise of discretion by LICENSEES or by the RDA or the City of Modesto or their agents, employees, or officers, discretion shall not be exercised in an unreasonable, arbitrary, or capricious manner, and shall not be unreasonably withheld.

///

IN WITNESS WHEREOF, the City of Modesto and the Redevelopment Agency of the City of Modesto have authorized the execution of this License Agreement in duplicate by its City Manager and Executive Director, respectively and attestation by its Clerk and Secretary, respectively under authority of Resolution No. _____, adopted by the Redevelopment Agency of the City of Modesto on the _____ day of _____, 2002, and under authority of Resolution No. _____, adopted by the City Council of the City of Modesto on the _____ day of _____, 2002 and LICENSEES have caused this License Agreement to be executed.

"CITY" and "RDA"

CITY OF MODESTO and
REDEVELOPMENT AGENCY OF THE
CITY OF MODESTO

By_____
Jack C. Crist
City Manager/Executive Director

ATTEST:

By_____
JEAN ZAHR
City Clerk/Secretary

APPROVED AS TO FORM:

By_____
MICHAEL D. MILICH
City Attorney/General Counsel

APPROVED AS TO FORM:

By_____
DONALD NORRIS
Risk Manager

"LICENSEES"

_____
BRADLEY L. HAWN

_____
NANCY HAWN

_____
JACK P. DELIDDO

_____
CARLA DELIDDO

(SEAL)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-291

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT REQUEST FOR BIDS FOR WATER QUALITY TESTING SERVICES

WHEREAS, the Operations and Maintenance Department-Water Quality Control (WQC) has requested the purchase of water quality testing services for FY 2002/2003 with the option of two (2) additional, one-year extensions, and

WHEREAS, the City of Modesto's drinking water system is the largest domestic water system in the area with over 70,000 active water services, and

WHEREAS, during the calendar year 2001, the City of Modesto performed over 30,000 water samplings to ensure safe drinking water for the City's approximately 216,000 customers, and

WHEREAS, the City of Modesto is committed to providing safe drinking water to all of its customers, and

WHEREAS, the size and complexity of the City's water system places the City under the strictest Federal and State regulations for water testing, and

WHEREAS, the City is beginning a new nine (9) year testing cycle mandated by the State Department of Health Services that entails performing a complete testing cycle on the entire water system, and

WHEREAS, the Federal Environmental Protection Agency (EPA) is now requiring a different set of Unregulated Chemical Monitoring which fall under strict protocols for testing methods including the need for special laboratory certification and reporting requirements, and

WHEREAS, some of the general testing requirements can be performed in house at the City's Water Quality Control Laboratory, and

WHEREAS, all other testing will be assigned to various commercial laboratories based on special laboratory certifications and fields of expertise, and

WHEREAS, by soliciting competitive bids for water quality testing services, the Finance Department – Purchasing Division will comply with the Modesto Municipal Code, Section 8-3. 204, regarding formal bid procedures,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that formal solicitation of bids for water quality testing services is hereby approved as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for water quality testing services to be opened in the office of the City Clerk, 1010th Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002 by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-292

A RESOLUTION AWARDING THE BID FOR ONE GRAVITY BELT THICKENER (GBT) TO ROEDIGER PITTSBURG INC. OF ALLISON PARK, PENNSYLVANIA IN THE AMOUNT OF $132,984.55

WHEREAS, the Operations and Maintenance Department is responsible for maintaining equipment for processing summer cannery waste flows into the Primary Wastewater Treatment plant, and

WHEREAS, the Operations and Maintenance Department has requested the purchase of a new Gravity Belt Thickener (GBT), and

WHEREAS, a gravity belt thickener (GBT) is a piece of equipment used to thicken raw primary sludge from the Water Quality Control's primary clarifiers, and

WHEREAS, out of seventeen (17) suppliers solicited, four (4) vendors responded to the request for Proposal (RFP), and

WHEREAS, based on evaluation criteria, Roediger Pittsburg Inc. of Allison Park, Pennsylvania was determined to be the lowest responsible bidder, with a bid amount of $132,984.55,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the bid for one gravity belt thickener to Roediger Pittsburg Inc. of Allison Park, Pennsylvania for $132,984.55.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to issue a purchase order to Roedgier Pittsburg Inc. of Allison Park, Pennsylvania in the amount of $132,984.55 for the purchase of a gravity belt thickener .

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

AMENDED

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-293

A RESOLUTION ACCEPTING IMPROVEMENTS IN SIENA PHASE 1 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF LETTERS OF CREDIT

WHEREAS, Sequoia Properties, A California Limited Partnership by Lily Development, Inc., A California Corporation It's General Partner, subdividers of Siena Phase 1 subdivision, have filed irrevocable letters of credit to secure faithful performance and payment for labor and materials in the amount of $1,872,589 and $936,294, respectively, and,

WHEREAS, Sequoia Properties, has filed a warranty letter of credit in the amount of $187,259 to guarantee improvements in Siena Phase 1 subdivision, and,

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department, and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the letters of credit upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:

1. The improvements in Siena Phase 1 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the irrevocable letter of credit for faithful performance in the amount of $1,872,589 upon recordation of the notice of completion.

3. The City Clerk is hereby authorized to release the irrevocable letter of credit for labor and materials in the amount of $936,294 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty letter of credit to guarantee improvements in the amount of $187,259 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-293

A RESOLUTION ACCEPTING IMPROVEMENTS IN SIENA PHASE 1 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Sequoia Properties, A California Limited Partnership by Lily Development, Inc., A California Corporation It's General Partner, subdividers of Siena Phase 1 subdivision, have filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $1,872,589 and $936,294, respectively, and,

WHEREAS, Inland Village, a General Partnership, has filed a warranty bond in the amount of $187,259 to guarantee improvements in Siena Phase 1 subdivision, and,

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department, and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:

1. The improvements in Siena Phase 1 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $1,872,589 upon recordation of the notice of completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $936,294 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $187,259 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-294

A RESOLUTION APPROVING THE FINAL MAP OF LAWSON'S TWENTY SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, FLORSHEIM BROS., a California General Partnership, by Florsheim Properties, a California Corporation, Partner, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 19.07 acres, known as Lawson's Twenty in the Village One Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 20th day of August, 2001, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said LAWSON'S TWENTY meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code,

which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Frohman
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-295

A RESOLUTION APPROVING A COOPERATIVE AGREEMENT WITH THE CITY OF CERES FOR THE MORGAN ROAD AND WHITMORE AVENUE ASPHALT OVERLAY PROJECT AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, Whitmore Avenue between the Union Pacific Railroad Tracks and Morgan Road, between Whitmore Avenue and 1300 feet North, are in need of street maintenance in the form of an asphalt concrete overlay, and

WHEREAS, the City of Modesto and the City of Ceres jurisdiction boundaries are at the centerline of both roadways, and

WHEREAS, the City of Ceres has completed the design and bid a construction project to install an asphalt concrete overlay, and

WHEREAS, the City of Ceres will be the lead agency and provide construction engineering on the project, and

WHEREAS, the City of Ceres has requested the City of Modesto's financial participation for work completed within its jurisdiction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the cooperative agreement with the City of Ceres to install an overlay of asphalt concrete on portions of Whitmore Avenue and Morgan Road.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-296

A RESOLUTION ACCEPTING THE BID OF GRAHAM CONTRACTORS, INC. FOR THE PROJECT TITLED "2002 SLURRY SEALS"

WHEREAS, the bids received for 2002 Slurry Seals were opened at 11:00 a.m. on May 28, 2002, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $977,294.43 received from Graham Contractors, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Graham Contractors, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	O'Bryant

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-297

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $760,000 TO FULLY FUND THE 2002 SLURRY SEALS PROJECT

WHEREAS, the pavement on City streets has become aged and is beginning to deteriorate, and

WHEREAS, the list of streets requiring preventative maintenance for the 2002 Slurry Seals project exceeded the budgeted amount, and

WHEREAS, the execution of the Slurry Seal project requires the Finance director or his designee to make administrative changes in the City's operations budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto authorizes the Finance Director of his designee to make those administrative budget changes necessary to appropriate this project in 0510-410-4137 and to administer the project in Fiscal Years 2001-2002 and 2002-2003. These actions include:

1. Appropriations to this project
   - Utility User Tax funds in 0700-410-4121 ($760,000),
   - New AB2928 Revenue ($283,270), and
   - Project Savings from Phase II of this project ($41,527) found in 0510-80-8000-8003, and
2. Appropriation of Gas Tax Funds ($117,705) presently budgeted to this project to 0700-430-M141, and
3. The carryover of all unexpended and un-encumbered Fiscal Year 2002 on July 2002 to Fiscal Year 2003.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	O'Bryant

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-298

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SUPPORT ASSEMBLY BILL NO. 2071 AND TO TAKE APPROPRIATE ACTION INCIDENTAL TO SUCH SUPPORT

WHEREAS, there is pending in the State Assembly AB No. 2071, a proposal to add a section to the Health & Safety Code relating to drinking water, and

WHEREAS, existing law does not provide for the City to recover certain of its costs and attorneys fees when pursuing alleged polluters for contamination of the City's drinking water, and

WHEREAS, existing law does not provide a clear statute of limitations, and in any event, does not provide a statute of limitations as advantageous as the one stated in AB No. 2071,

NOW, THEREFORE, BE IT RESOLVED BY THE Council of the City of Modesto that the City Attorney, or designee, is authorized to do all things necessary to express the support of the City of Modesto as events may require, to insure that the City's support for AB No. 2071 is communicated appropriately.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: Michael Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-299

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO, CALIFORNIA. APPROVING THE CHANGE OF CONTROL OF THE CABLE FRANCHISE BY REASON OF THE MERGER OF AT&T BROADBAND AND COMCAST

WHEREAS, the cable franchise for the City of Modesto ("City") is currently held by United Cable Television Corporation, a Delaware corporation, a subsidiary of AT&T Broadband LLC, ("United Cable " or "Franchisee"), and

WHEREAS, the City has received an application to approve a change of control and internal restructuring of AT&T Corp. ("AT&T"), the ultimate parent corporation of Franchisee because AT&T's subsidiary, AT&T Broadband, intends to merge with Comcast Corporation ("Comcast") to create a new company to be known as AT&T Comcast Corporation ("AT&T Comcast") as described in the FCC Form 394 application received by the City on February 27, 2002 pursuant to the terms of the Agreement and Plan of Merger described in the 394 Application, and

WHEREAS, pursuant to the City's cable television franchise ordinance, Chapter 4 of Title XI of the Modesto Municipal Code (the "Franchise Ordinance"), and grant of the franchise, Ordinance No.3223-C.S. (the "Franchise Agreement"), the City's consent is required to transfer control or ownership of the cable franchise, and

WHEREAS, section 11-4.22(I) of the Franchise Ordinance provides that the City may consider the legal, technical, and financial qualifications to own and operate the Cable system and whether the Franchisee is in "substantial compliance with the terms and conditions of the Franchise Agreement and the Franchise Ordinance", and

WHEREAS, the City and Franchisee have existing agreements, including but not limited to the Franchise Agreement, that require the upgrade/rebuild of the cable system within the City within a specific timeframe for completion, the correction of code compliance matters necessary by reason of the status of the cable system when Franchisee acquired the system, and various other matters, all subject to timeframes and deadlines for completion (the "Franchise Documents"), and

WHEREAS, the City and Franchisee have, in a separate agreement, substantially in the form attached hereto as Exhibit B, identified certain concerns regarding compliance with the Franchise Documents and other performance matters, and the Franchisee and City have agreed to resolve such issues in good faith, as set forth in the separate agreement, and

WHEREAS, the City wishes to assure that the proposed merger will not delay or otherwise adversely impact the obligations and commitments made under the Franchise Agreement and that the proposed new parent corporation is aware of, acknowledges and agrees that the change of control will not affect, diminish, supercede impede or adversely affect the binding nature of the existing ordinances, resolutions and obligations of its subsidiary, the Franchisee, and

WHEREAS, the City Council has held a public hearing on the proposed change of control; has reviewed the 394 application, the supplemental materials submitted by AT&T Broadband, the staff report on the proposed merger and other materials submitted during the public hearing.

NOW, THEREFORE, the City Council of the City of Modesto does resolve as follows:

Section 1. Consent to the Change of Control and Internal Restructuring

The City hereby consents to that certain change of control and internal restructuring by which AT&T and Comcast will merge and AT&T Comcast will become the ultimate parent company to Franchisee, as described in the FCC Form 394 application received by the City on February 27, 2002, subject to the terms and conditions set forth below.

Section 2. Terms and Conditions of Consent to the Change of Control.

The City's consent to the change of control, described above, is subject to, and conditioned upon, the following terms and conditions, all of which are hereby incorporated in the Franchise Agreement:

A. This consent is limited to the proposed transaction described in the 394 Application submitted by AT&T and AT&T Comcast on February 27, 2002. (Hereinafter, the "transaction" shall refer to the proposed transaction described in above.) After the closing of the proposed transaction, the holder of the franchise shall be United Cable Television Corporation, a Delaware corporation, a subsidiary of AT&T Broadband LLC, marketing services as AT&T Broadband ("Franchisee"). AT&T Broadband, LLC shall be an indirect subsidiary of AT&T Comcast, as described in the 394 application. Any other or further changes of control shall require a separate and new application for City approval or consent if the City's approval or consent is required under the Franchise Ordinance and/or the Franchise Agreement.

B. Within thirty (30) days of the closing of the transaction, Franchisee shall provide to the City certificates of insurance in compliance with the Section 11-4.33 of the Franchise Ordinance or verification that the required insurance and certificates of insurance remain valid and in effect. Nothing in this section relieves that Franchisee from the obligation to maintain the insurance coverage required by the Franchise Documents.

C. Within thirty (30) days of the closing of the transaction, Franchisee shall provide to the City the bonds required by the Franchise Ordinance including the bond required by Section 11-4.20 of the Franchise Ordinance or verification that the required bonds remain valid and in effect. Nothing in this section relieves the Franchisee from the obligation to maintain the bonds required by the Franchise Documents.

D. As provided in the Certificate of Acceptance of the Franchise Renewal Franchisee shall comply with all requirements, obligations, terms and conditions of the Franchise Ordinance and the Franchise Agreement and this Resolution. This merger shall have no adverse effect on Franchisee's compliance, nor shall the merger be grounds for any change or modification in the terms, conditions and obligations of the franchise.

E. AT&T Comcast acknowledges and agrees that the change of control will not affect, diminish, impair or supercede the binding nature of the existing ordinances, resolutions and agreements applicable to operation of the Cable System, including without limitation, the Franchise Documents, including the Certificate of Acceptance of the Franchise Renewal, and that AT&T Comcast will use its best efforts to ensure that the Franchisee complies with its obligations under the Franchise Documents.

F. Nothing in this Resolution or in the City's consent to this change in control shall be construed, in any manner whatsoever, by AT&T Broadband, AT&T Comcast, or any of the subsidiaries of AT&T Comcast, as precluding or impacting the City's ability or authority to address any act(s) of noncompliance by Franchisee or failure(s) to act by Franchisee, pursuant to the terms of the Franchise Agreement and the Franchise Ordinance. In particular, and without limiting the forgoing, Franchisee, in acquiring the cable system in Modesto, as part of the transfer approval form Cable One, and incorporated in the Franchise Agreement, agreed as follows:

"AT&T Broadband has acknowledged and agreed that, pursuant to the settlement agreement between Cable One and the City, the transfer ordinance approving the transfer to AT&T Broadband and the franchise Renewal Agreement, AT&T Broadband was and is currently required to perform certain physical improvements and corrections, and that these improvements and corrections were a condition of the Cable One/AT&T Broadband transfer and are binding on AT&T Broadband. AT&T Broadband has acknowledged that failure to perform these improvements and corrections within the times set forth in the settlement agreement shall constitute a material breach of the franchise. Execution and delivery of the certificate of acceptance of the franchise by AT&T Broadband constituted its agreement to be bound to this condition and to the terms of this Resolution, and the Franchise Agreement including, without limitation, the conditions requiring physical improvements and corrections to the cable system. "

G. The City's consent to the change in control shall not be construed, in any manner whatsoever, to constitute a waiver or release of any rights the City may have under the franchise, whether those rights arose before or after the change in control to AT&T Comcast and the fact that such deficiencies may have existed prior to the change in control shall not be a defense against correction of the deficiencies or non-compliance.

H. The City and the Franchisee have, in a separate agreement, substantially in the form attached hereto as Exhibit B, identified certain concerns regarding compliance with the Franchise Documents and other performance issues, and the City and the Franchisee have agreed to resolve these concerns in good faith in the manner set forth in the separate agreement.

I. In the event of any failure to comply with the conditions and terms set forth herein, or any knowing misrepresentations concerning the same, the City may enforce any damages or penalty provisions pursuant to the Franchise Documents and exercise any and all other remedies available to it by law.

J. AT&T Comcast shall execute a certificate of acknowledgment in the form attached hereto as Exhibit A, at or before the close of the transaction and shall fax a copy of the executed certificate of acceptance to the City at or before the closing. The original certificate of acceptance shall be received by the City within thirty (30) business days of the close of the transaction.

L. This approval shall terminate and be of no further force and effect if the proposed transaction does not close on or before March 31, 2003. Should AT&T Broadband and AT&T Comcast desire additional time to close the transaction, they may, prior to March 1, 2003, apply to the City for an extension of the transfer approval upon a showing that none of the material facts and circumstances surrounding the change of control have changed and that AT&T Broadband shall comply with all the terms, conditions and agreements relating to the change of control. However, in no event, shall the approval of the change of control be extended, as provided for in this section, beyond June 30, 2003.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the Resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carmen Sabatino
CARMEN SABATINO, Mayor

ATTEST:

By Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

CERTIFICATE OF ACKNOWLEDGMENT

Whereas, United Cable Television Corporation, a Delaware corporation ("United Cable" or "Franchisee") has unconditionally, irrevocably and without reservation accepted the Cable Television Franchise Renewal granted by Ordinance No. 3223 effective July 5, 2001 (the "Franchise Ordinance") and

Whereas, the City has consented to the change of control by which AT&T Comcast shall become the ultimate parent corporation of United Cable, subject to certain terms, conditions and agreements as set forth in Resolution No. 2002-299,

By the execution, delivery and filing of this Certificate, the undersigned unconditionally, irrevocably and without reservation, acknowledges and agrees to the terms of the Resolution No. 2002-299 and:

1. Acknowledges and agrees that the change of control will not affect, diminish, impair or supercede the binding nature of the existing ordinances, resolutions and agreements applicable to operation of the cable system or the Franchisee's ability to perform each and every promise, covenant, commitment and undertaking contained in the Franchise Ordinance, as provided in the Certificate of Acceptance of the Franchise Renewal, and agrees that it will use its best efforts to ensure that the Franchisee complies with its obligations under the Franchise Documents;

2. Acknowledges that, as provided in the Certificate of Acceptance of the Franchise Renewal, the Franchisee has represented and warranted that the Franchise Ordinance and the Franchise Renewal Agreement attached and incorporated in the Franchise Ordinance constitute a valid and binding obligation of Franchisee, as to each and every term thereof, enforceable against the Franchisee in accordance with the terms thereof.

3. Acknowledges and agrees that this Certificate constitutes a valid and binding obligation as to the undersigned, in accordance with the terms thereof;

4. Represents and warrants that the execution and delivery of this Certificate has been duly authorized and approved by the Board of Directors of the undersigned;

5. Represents and warrants that the persons who have executed this Certificate are duly authorized to do so by all necessary action;

6. Represents and warrants that the execution and delivery of this Certificate does not violate any provision of the By-Laws and/or Articles of Incorporation of any of the named corporations;

7. Expressly declares and agrees that the courts of the State of California and Federal District Court for the Eastern District of California, if appropriate, shall have jurisdiction over the Franchisee and the undersigned in any action arising under the Franchise Ordinance, and the Franchise Agreement in which both the Franchisee and the undersigned are named parties, and expressly consents to service of process pursuant to California Code of Civil Procedure Section 415.20(a) at any Modesto, Stockton or Sacramento, California office of the Franchisee as to any action arising under or purporting to arise under the Franchise Documents referenced herein in which both the Franchisee and the undersigned are named parties.

8. Expressly decrees and agrees that adequate and sufficient consideration has been provided for each and every promise, covenant, commitment and undertaking of the undersigned contained in the Certificate;

9. This Certificate shall be valid when and only when executed by all other parties listed above.

IN WITNESS WHEREOF, this Certificate is executed effective _____, 2002.

ATT Comcast, a Pennsylvania_____ corporation.

By:_____

Its:_____

[NOTE: ALL SIGNATURES MUST BE NOTARIZED]

EXHIBIT B

Date _____

Mayor Carmen Sabatino
City of Modesto
1010 10th Street, suite 6100
Modesto, California 95353

Dear Mayor Sabatino:

We understand that the City of Modesto ("Franchising Authority") has several concerns relating to certain compliance matters under the franchise held by United Cable Television Corporation ("Franchisee"). The Franchising Authority has notified Franchisee of its concern that it would not be appropriate to approve a change of control prior to resolution of the following issues, which are in no particular order (collectively "Identified Issues"):

(1) Franchisee's compliance with requirements and time schedules and deadlines regarding physical improvements and corrections to the cable system in the City;

(2) The Franchisee's compliance with the terms of the Franchise with respect to the I-Net and cooperation with the City in assisting in designing the most cost effective I-Net that will meet the needs of the government users.

(3) Franchisee's compliance with franchise customer service standards and requirements.

The Franchisee has represented to the City that the physical improvements and corrections required under the Franchise Documents are in process and are progressing according to a schedule that will meet the deadlines for status reports and completion set forth in the Franchise Documents. The City is relying on this representation and looks forward to completion of this work. The City will continue to cooperate with the Franchisee to provide timely inspections of the work.

The Franchisee has agreed that the cost estimate received by the City for the I-Net was preliminary only and did not trigger any time deadlines for a City response. The Franchisee will provide to the City a design that the Franchisee believes will meet the present and future needs of the I-Net users in the most cost efficient manner. The Franchisee is currently going forward with the First Phase of the rebuild in the Northwest area of the City. The Franchisee has agreed to and will, at its own initial cost, place/install fiber for the I-Net according to the present design in this First Phase, however, use of such fibers installed in the First Phase by I-Net users is contingent upon reimbursement as specified in the franchise and as set forth herein. At such time as the system design is complete, the Franchisee and the City will determine the final design of the I-Net and the process contained in Section 1 of Exhibit F of the Franchise Agreement

will resume with respect to further construction and use of and payment for the I-Net. The City/I-Net users will only be responsible for paying the cost of the fiber in the First Phase based on the design selected by the City. The Franchisee understands that this may mean that the Franchisee will not be paid for all the fiber installed in the First Phase.

The Franchisee has proposed modified customer service regulations that address telephone answering times as set forth in Exhibit 1 to this letter. The City agrees that these customer service rules will be implemented for a trial period of 1 year, after which the parties will determine whether to continue these regulations. The Franchisee and the City understand that the City retains its right to unilaterally impose customer service regulations, as provided for by state and federal law and the Franchisee retains its rights to pass through to its customers the costs of any customer service regulations that are greater than those specified by the FCC.

The Franchisee and the City will also meet and confer on the number of hours of assistance for PEG that have been made available to the City to determine whether the hours assigned to this obligation by the Franchisee were properly assigned and to readjust the hours available to the City if appropriate. In addition, the Franchisee will assist the City in moving the PEG equipment to another location in the City prior to June 30, 2002, provided that the City provides indemnification for any loss or damage for such equipment.

In order to successfully complete the consent process currently taking place by the Franchising Authority on the merger of AT&T Broadband and Comcast Corporation ("Merger") by June 11, 2002 as agreed to by the Franchise Authority and the companies, the Franchise Authority and the Franchisee agree to continue to discuss the Identified Issues towards reaching mutually satisfactory resolutions, separate and independent from the consent process. The City and the Franchisee will also make good faith efforts to resolve any other issues that may arise with respect to the Franchise.

It is understood that the Franchising Authority's consent to the Merger shall not extinguish the Franchising Authority's right and ability to pursue any remedy available under the franchise.

It is also understood and agreed that except for Identified Issues mutually resolved by the parties, the Franchising Authority and Franchisee shall not be deemed or construed to have waived any claims, actions, or defenses with respect to Identified Issues or other possible or alleged franchise violations duly noticed to Franchisee that remain unresolved.

By signing below the parties acknowledge and agree to the matters described hereinabove.

By: City of Modesto

Its: _____

By: United Cable Television Corporation

Its: _____

Customer Service Proposal

PROPOSED TELEPHONE RESPONSE REPORTING REQUIREMENTS

Frequency

Reports will be provided monthly, based on a simple average of results during normal business hours under normal operating conditions for the entire month. If the cable operator reports six consecutive months without material deviation below the minimum required performance standard, the cable operator may request to report quarterly. City of Modesto will not unreasonably deny such a request.

Reported Results

Measurement	Standard
Calls Abandoned[1]	<3%
Trunks Busy[2]	<3%
Average Speed of Answer[3]	<30 secs

For reporting purposes, results will be tabulated across all Call Centers that serve the City of Modesto. If these Call Centers serve other communities as well, the Operator will not discriminate in the quantity or quality of Call Center services provided to subscribers based on community or geographic location.

Non-Normal Results

If a monthly or quarterly report indicates deviation below the minimum required performance level, the cable operator will provide a written explanation of the deviation, including steps being taken to cure the problem, and the time expected to implement the cure.

---

1 Calls Abandoned = Total Calls Abandoned from an Agent Queue / Total Calls Offered.

2 Trunks Busy = Total Calls Hitting All Trunks Busy Message / Total Calls Offered. Automatically calculated by phone switch reports.

3 Average Speed of Answer = Time Customer chooses answer option on IVR until time the Agent answers.

All results are for Normal Operating Conditions for Normal Business Hours as defined by the FCC.

Monthly reports will be required thereafter until either (1) the cable operator demonstrates that the deviation was due to non-normal operating conditions reasonably beyond its control, as defined in the federal customer service regulations, or (2) the cable operator reports six consecutive months without deviation below the minimum required standard.

Compliance The cable operator will be considered out of compliance with the City's customer service requirements if:

1. The operator has failed to meet the prescribed standard for the last reporting period and has failed to attain compliance in the month immediately following the failed reporting period unless a longer period is agreed to by the City and the operator, and .;
2. The operator has been notified in writing of the potential compliance violation based on (1) and had reasonable opportunity to cure, as determined by the City and has failed to cure.

Liquidated Damages If the Operator is found to be in non-compliance on one or more metrics for a given reporting period, the Operator will pay liquidated damages in the amount of:

- $1,200 -- first 30 days that non-compliance continues;
- $3,000 -- next 30 days that non-compliance continues;
- $6,000 -- next 30 days that non-compliance continues; and
- $9,000 -- per month in liquidated damages for the next 30 days that non-compliance continues until the noncompliance issue(s) are cured.

Payment shall be made within 30 days after the close of the reporting period. The City may designate whether the payment shall be (1) paid directly to the City, (2) refunded to customers, or (3) shall be paid to a 501(C)(3) organization selected by the City.

In the event the operator fails to cure the problem in 120 days, the City may elect to forego further penalties under this agreement and pursue all remedies and due process provisions available to it under the terms of the franchise.

All results are for Normal Operating Conditions for Normal Business Hours as defined by the FCC.

General Applicability These Customer Service regulations will apply equally to all Video Providers, as defined by Section 53088.1 of the California code operating in the franchise area.

1st Priority In the event of a conflict with other regulations or requirements, the provisions of this settlement agreement will preempt all conflicting regulations or requirements.

All results are for Normal Operating Conditions for Normal Business Hours as defined by the FCC.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-300

A RESOLUTION AUTHORIZING THE PURCHASE OF $100,000 IN EQUIPMENT NECESSARY TO UPGRADE THE CABLE TELEVISION MASTER CONTROL ROOM FOR THE CONTINUED OPERATION OF PUBLIC-EDUCATION-GOVERNMENT PROGRAMMING.

WHEREAS, the Franchise Agreement between the City of Modesto and AT&T Broadband requires the City to assume management of Public-Education-Government (PEG) Television Programming on channels 2, 8, and 27 on July 5, 2002; and

WHEREAS, the City of Modesto will inherit from AT&T Broadband all of the equipment currently used for cable broadcasting of PEG programming as set forth in the Franchise Agreement between the City of Modesto and AT&T Broadband; and

WHEREAS, some of the equipment to be inherited by the City of Modesto will be used for the operation of the Master Control Room; and

WHEREAS, some of the equipment for the Master Control Room is near 10-years-old and requires updating to be consistent with the digital upgrade occurring in the Modesto cable system as set forth in the Franchise Agreement between the City of Modesto and AT&T Broadband; and

WHEREAS, the purchase of approximately $100,000 of new automated equipment with digital and web streaming capabilities will benefit the ongoing operations in the Master Control Room for the cable broadcasting of PEG programming; and

WHEREAS, some of the equipment inherited by the City of Modesto will be used in other areas of the continued operation of PEG, such as through Public Access or for training purposes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the purchase of approximately $100,000 in equipment necessary to upgrade the Cable Television Master Control Room for the continued operation of Public-Education-Government Programming.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-301

Print

A RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION (SCH 1992052017) FOR THE FOLLOWING PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH N0. 92052017): ORVILLE WRIGHT NEIGHBORHOOD PARK DESIGN DEVELOPMENT REPORT.

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH NO. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, the Parks, Recreation and Neighborhoods Department, by Initial Study, (EA/PR&N No. 2002-01), dated January 28, 2002, reviewed the proposed development and construction of the Orville Wright Neighborhood Park ("Project") pursuant to Section 21157.1 of the Public Resources Code to analyze whether the proposed project was described in the Master Environmental Impact Report, and

WHEREAS, Section 21080(c)(2) allows the preparation of a Mitigated Negative Declaration if the lead agency, after reviewing and considering the entire record before the agency, identifies potentially significant effects on the environment, but (a) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed Mitigated Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur; and (b) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment, and

WHEREAS, the City of Modesto, the lead agency, after reviewing and considering the Master EIR, the Initial Study and the entire record before it identified potentially significant effects on the environment, but (a) revisions in the project plans agreed to by the City before the proposed Mitigated Negative Declaration and Initial Study were released for public review would avoid or mitigate the effects to a point where clearly no significant effect on the environment would occur; and (b) there was no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment, and

WHEREAS, the City of Modesto prepared, circulated and posted, pursuant to Sections 15070 and 15105 of the CEQA Guidelines, the Draft Mitigated Negative Declaration (SCH 1992052017) dated March 5, 2002, and

WHEREAS, the Initial Study and the Draft Mitigated Negative Declaration were released for public review and comment for the required 30-day period beginning on March 8, 2002, and ending on April 8, 2002, and

WHEREAS, no comments were submitted in response to the Draft Mitigated Negative Declaration that would require a revision of the Draft Mitigated Negative Declaration, and

WHEREAS, on June 4, 2002, the City Council considered the Initial Study and Draft Mitigated Negative Declaration (SCH 1992052017) dated March 5, 2002, for the proposed development and construction of the Orville Wright Neighborhood Park, together with all comments received during the public review and circulation period, at the public hearings on April 23, 2002, and June 4, 2002, and

WHEREAS, on June 4, 2002, concurrently with this resolution, the City Council considered approving the proposed Orville Wright Neighborhood Park Design Development Report, and the Master Plan included therein, and the proposed Capital Improvement Plan, Development Agreement and Irrevocable License,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Initial Study EA/PR&N 2002-01 and the Draft Mitigated Negative Declaration (SCH 1992052017) for the proposed Project, copies of which are on file in the City Clerk's Office, together with all comments received during the public review and circulation period, and based on the substantial evidence included in said Initial Study and Draft Mitigated Negative Declaration makes the following findings:

1. An Initial Study prepared pursuant to CEQA Section 21080(c)(2) has identified potentially significant effects on the environment.

2. Revisions in the Project agreed to by the City before the proposed Mitigated Negative Declaration and Initial Study were released for public review and in response to comments during the public review and circulation period will avoid or mitigate the effects of the proposed Project to a point where clearly no significant effect on the environment would occur.

3. There is no substantial evidence in light of the whole record before the public agency that the Project, as revised and mitigated, may have a significant effect on the environment.

4. As part of the adoption of the Mitigated Negative Declaration, the City Council finds that the report or declaration reflects its independent judgment as the lead agency for the Project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that, based on the above findings, the City of Modesto hereby adopts Mitigated Negative Declaration (SCH 1992052017) dated March 5, 2002, for the development and construction of the Orville Wright Neighborhood Park by the City of Modesto and hereby designates the Parks Planning and Development Services Division of the Parks, Recreation and Neighborhoods Department as the custodian of the documents or other material which constitute the record of proceedings upon which this decision is based, and specifies the Department of Parks, Recreation and Neighborhoods, 1010 Tenth Street, Suite 4400, Modesto, California, as the location of said documents.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that pursuant to Section 21081.6 of the Public Resources Code, a mitigation monitoring program is hereby adopted by incorporating the mitigation measures into the Project plan as set forth in Exhibit "E" of the Mitigated Negative Declaration.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Parks, Recreation & Neighborhoods Director is hereby authorized and directed to file a Notice of Determination with the County Clerk's Office within five (5) working days of the date of this determination, pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

INITIAL STUDY & DRAFT MITIGATED NEGATIVE DECLARATION

EXHIBIT "A"

CITY of MODESTO

City of Modesto
Parks, Recreation
and Neighborhoods

DRAFT MITIGATED NEGATIVE DECLARATION

March 1, 2002

TO: Interested Parties/Responsible Agencies (A distribution list is available upon request)

FROM: City of Modesto Parks, Recreation and Neighborhoods Department

SUBJECT: **DRAFT MITIGATED NEGATIVE DECLARATION FOR ORVILLE WRIGHT NEIGHBORHOOD PARK**

Attached is an Initial Study and Draft Mitigated Negative Declaration addressing the impacts of the proposed development and construction of Orville Wright Neighborhood Park. Included in the transmittal are the following:

1. Public Notice describing the public review of the Draft Mitigated Negative Declaration.
2. Draft Mitigated Negative Declaration.
3. Initial Study. (That is part of the Mitigated Negative Declaration and is prepared to fulfill the requirements of Section 21157.1(c) of CEQA.)
4. Supporting Documents including:
   a.) Orville Wright Neighborhood Park Master Plan
   b.) Biological Evaluation Report
   c.) Cultural Resources Assessment
   d.) Phase I - Environmental Site Assessment
   e.) Mitigation Monitoring Plan

Please note the Public Review Period for this Draft Mitigated Negative Declaration ends on **April 8, 2002**. Please send comments as soon as possible, but no later than April 8, 2002 to:

Mailing Address: Nathan G. Houx
City of Modesto Parks, Recreation and Neighborhoods Department
P.O. Box 642
Modesto, CA 95353
Fax #: (209) 579-5077

Please feel free to contact me at (209) 571-5526, should you have any questions about the proposed project.

Sincerely,

Nathan G. Houx
Project Coordinator
Parks, Recreation and Neighborhoods Department

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Proposed Project: Orville Wright Neighborhood Park

Project Location: In Stanislaus County, in the south area of Modesto, CA, north of Hillside Drive, south of Monterey Avenue, and just west of Empire Avenue, adjacent to and including portions of Orville Wright Elementary School. (APN #'s: 035-48-15, 035-48-16, and portions of 035-48-01 and 035-53-04)

Description of Nature, Purpose, and Beneficiaries of Project: This project will construct a 3.8 - acre neighborhood park within the Airport Neighborhood. The park will be developed including: grading, paving, road along the south border of the park, underground utilities, landscaping, an irrigation system, game courts, athletic fields, water play area, family picnic units, a children's play area with play apparatus, park furniture, shade structure, skate area, a restroom utility building, security phone and security lighting. This project will also renovate 2.3 acres of fenced school property including grading, paving, underground utilities, landscaping, an irrigation system, and athletic fields. The total area that will be constructed or renovated with this project will be 6.1 acres. This project includes adoption of a Park Master Plan and Design Development Report and subsequent development.

Significant Effects on the Environment: An Initial Study was prepared under the City's General Plan Master EIR (SCH#92052017) which led to the determination that a Mitigated Negative Declaration should be prepared pursuant to CEQA Section 21157.5. Potential significant effects from the proposed project relating to loss of wildlife/plant habitat were identified. However, it was determined that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been included in the project which would avoid or mitigate the effects to the point where clearly no significant effect on the environment will occur.

Public Review Period – Starting and Ending Dates: The 30-day public review period starts on March 8, 2002 and ends on April 8, 2002. Please submit any comments you may have on the draft Mitigated Negative Declaration by April 8, 2002.

Public Hearings: The draft Mitigated Negative Declaration is tentatively scheduled to be presented to the Modesto City Council for approval on April 23, 2002. The meeting will begin at 5:15pm and will be held in the Council Chambers, in the basement of Tenth Street Place, 1010 Tenth Street, Modesto, California, 95354.

Address Where Document is Available for Public Review: The Draft Mitigated Negative Declaration and supporting documents is available at the City of Modesto Parks, Recreation and Neighborhoods Department, Parks Planning and Development Division, 1010 Tenth Street, Fourth Floor, Suite 4400, Modesto, California, 95354.

Presence of Hazardous Material on the Site: A review of the lists describing hazardous material sites under Section 65962.5 of the Government Code has determined that there are no listed hazardous materials presently located within the project area of Orville Wright Neighborhood Park.

Lead Agency: City of Modesto Parks, Recreation and Neighborhoods Department.

Contact Person: Nathan G. Houx, Project Coordinator, Parks, Recreation and Neighborhoods Department, (209) 571-5526.

James E. Niskanen, Director of Parks, Recreation and Neighborhoods Department
March 5, 2002

INITIAL STUDY AND FINDINGS
DRAFT MITIGATED NEGATIVE DECLARATION

PROPOSED DESIGN AND DEVELOPMENT OF ORVILLE WRIGHT NEIGHBORHOOD PARK

EA/PR&N – 2002 - 01
January 28, 2002

1. Purpose of Initial Study:

Section 15177 of the CEQA Guidelines allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 15177 of the CEQA Guidelines, analyzes the following:

A. Whether this project may cause additional significant effects on the environment that were not examined in the General Plan Master EIR.
B. Whether new additional mitigation measures or alternatives will be required as result of this project that were not previously considered in the General Plan Master EIR.
C. Whether the proposed project is within the scope of the General Plan Master EIR.

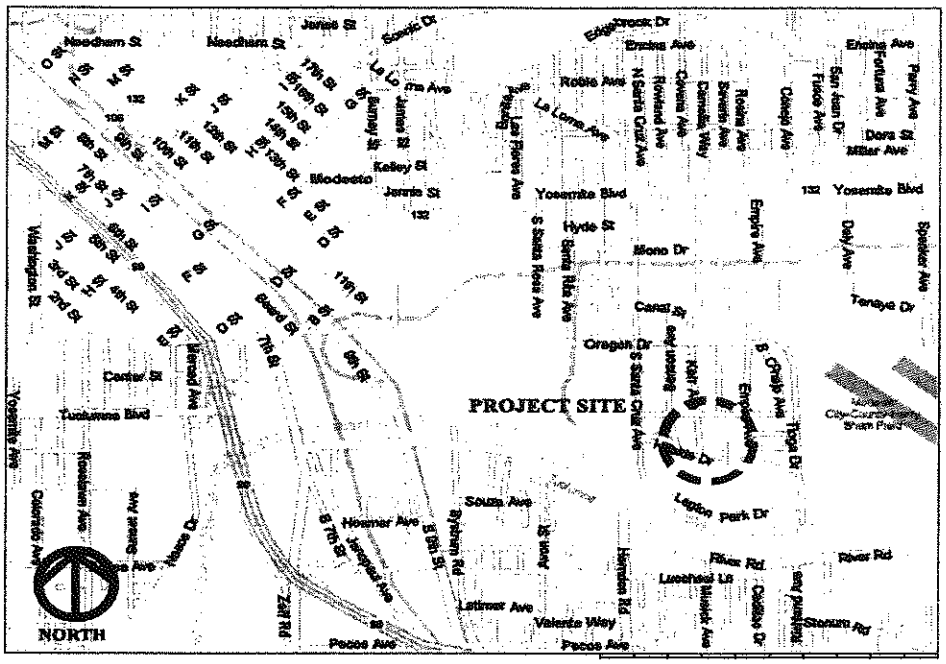
2. Project title:
Orville Wright Neighborhood Park

3. Lead agency name and address:
City of Modesto, P.O. Box 642, Modesto, CA 95353
(Responsible Agency) Modesto City Schools, 426 Locust Street, Modesto, CA 95351

4. Contact person and phone number:
Nathan Houx, Project Coordinator, Parks, Recreation and Neighborhoods Department,
(209) 571-5526 email: nhoux@modestogov.com

5. Project location:
In the south area of Modesto, north of Hillside Drive, south of Monterey Avenue, and just west of Empire Avenue, adjacent to and including portions of Orville Wright Elementary School. (APN #'s: 035-48-15, 035-48-16, and portions of 035-48-01 and 035-53-04)

(See Map on Following Page)



6. **Project sponsor's name and address:**
City of Modesto
Parks, Recreation and Neighborhoods Department
P.O. Box 642, Modesto, CA 95353

7. **General plan designation:**
The area proposed as the Orville Wright Neighborhood Park site is designated as OS-Open Space and R-Residential on the adopted Land Use Diagram. (p. III-114, Urban Area General Plan).

8. **Zoning:**
R1- Residential & R2 - Residential

9. **Description of project:**
This project will construct a 3.8-acre neighborhood park within the Airport Neighborhood. The park will be developed including grading, paving, underground utilities, landscaping, an irrigation system, game courts, athletic fields, water play area, family picnic units, a children's play area with play apparatus, park furniture, shade structure, skate area, a restroom utility building, security phone and security lighting. This project will also renovate 2.3 acres of fenced school property including grading, paving, underground utilities, landscaping, an irrigation system, and athletic fields. The total area that will be constructed with this project will be 6.1 acres. This project includes adoption of a Park Master Plan and Design Development Report and subsequent development.

10. **Surrounding land uses and setting:**
North: Orville Wright Elementary School, zoned R-2.
South: Current open ground, zoned R-1.
West: Single-family housing, zoned R-2.
East: Single-family housing, zoned R-2.

11. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)**
None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The following factors are based on Appendix G of the CEQA Guidelines and adapted to reflect the eighteen environmental subject areas analyzed by the City of Modesto's General Plan Master EIR. The environmental factors checked are factors potential affected by the project:

☐ Traffic & Circulation	☒ Loss of Wildlife/Plant Habitat	☐ Increased Demand Police
☐ Degradation of Air Quality	☐ Disturb Archaeological/Historic	☐ Increased Demand Fire
☐ Generation of Noise	☐ Drainage/Flooding/Water Quality	☐ Generation of Solid Waste
☐ Loss of Productive Ag Land	☐ Increased Demand Storm Drainage	☐ Generation of Hazardous Materials
☐ Increased Demand Water Supplies	☐ Increased Demand Parks/Open Space	☐ Energy
☐ Increased Demand Sewer Services	☐ Increased Demand Schools	☐ Landslides/Seismic
☐ Mandatory Findings of Significance		

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Nathan G. Houx — Signature

March 5, 2002 — Date

Nathan G. Houx — Printed name

_____ — For

EVALUATION OF ENVIRONMENTAL IMPACTS:
FOR A PROPOSED SUBSEQUENT PROJECT TO MASTER EIR

The following sections evaluate the proposed subsequent project to the City's General Plan Master EIR pursuant to CEQA Section 21157.1 (b) whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report, and, if so, make a determination pursuant to Section 21157.5 which requires a mitigated negative declaration to be prepared for a proposed subsequent project if both of the following occur:

(1) An initial study has identified potentially new or additional significant effects on the environment that were not analyzed in the master environmental impact report.

(2) Feasible mitigation measures or alternatives will be incorporated to revise the proposed subsequent project, before the negative declaration is released for public review, in order to avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment will occur.

The following analysis is based on Appendix G of the CEQA Guidelines and adapted to reflect the eighteen environmental subject areas in the City of Modesto's General Plan Master EIR.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. TRAFFIC AND CIRCULATION NEEDS – Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

The development of this park is consistent with the General Plan and the General Plan Master EIR, which anticipated that this existing vacant City Park site would be completed. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-38) are still valid for the reasons discussed below.

Discussion:

a) The proposed Orville Wright Neighborhood Park development would have no impact with regard to increased impacts to the City's roadway system because the development of the park includes a connection of Hillside Drive along the southern portion of the Park. This connection will provide ample access to the park and will in fact decrease the amount of traffic along other adjacent streets due to the more direct route to the park. The park is a neighborhood park and it is expected that a large portion of the users will not require a vehicle trip. The existing baseball field at the school is currently being used by the local sports teams and the addition of one more baseball field could increase the amount of users, but this increase would not have any impact on the traffic flows due to the factors previously mentioned. Therefore, it will not create a significant increase in traffic generation, and there will be no additional traffic and circulation impacts associated with the Orville Wright Neighborhood Park development beyond those already studied in the Master EIR.

b) As previously mentioned, there are no additional traffic and circulation impacts associated with the Orville Wright Neighborhood Park development beyond those studied in the Master EIR. Therefore, the proposed development will have no impact to contributing to traffic exceeding the adopted level of service for the City's General Plan street system.

c) The proposed project is located in either R-1 or R-2 land use designations and both of these designations allow the development of park facilities as mentioned in the City of Modesto Urban Area General Plan on page III-6. Because the proposed Orville Wright Neighborhood Park development would not result in a land use change from the adopted General Plan, there would be no impact relating to a change in air traffic patterns (including either an increase in traffic levels or a change in location that results in substantial safety risks.)

d) The new connection of Hillside Drive will be designed based on current state and federal safety standards and design guidelines by the City of Modesto Engineering and Transportation Department. Because of the previous discussion and the fact that the park development will be served by essentially the same roadway system that is in the adopted General Plan, there would be no impact in regard to substantially increased hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses.

e) The project has one road along the south side and an alley along the west side. The design of the park is such that a turnout is provided for emergency vehicles along the alley and the paths

throughout the park will be able to accommodate vehicular access. Therefore, there would be no impact that would result in inadequate emergency access.

f) The park is not designed with any on-site parking, as is typical of a neighborhood park. Hillside Drive will provide the off-site parking for this site. Both sides of Hillside Drive will be available for parking and at a typical parallel stall length would be able to accommodate over 50 cars. Orville Wright Elementary School also has an on-site parking lot that is currently being used by the local sports teams and would still be available for use after the development of the park. This would provide additional parking along Monterey Avenue for special events and games. The parking provided is more than adequate for a neighborhood park, where it is anticipated that most of the users will not require a vehicle trip. Therefore, there would be no impact that would result in inadequate parking capacity.

g) This project would actually encourage the use of alternative transportation due to the fact that currently there is no park development suitable for organized sports and thus the local sports organizations often have to travel to other locations throughout the City. With the development of this park, the neighborhood will have a suitable place to play organized sports within walking or biking distance of their homes, thus increasing the opportunity for alternative transportation methods to be used. The park is within a block of a current established bus route and the design of the park will provide bike racks at various locations throughout the park. Therefore, there would be no impact that would conflict with adopted policies, plans or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks).

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
II. DEGRADATION OF AIR QUALITY – Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

The air quality impacts for this development are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this development will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, therefore, still valid for the reasons discussed below.

Discussion:

a) The development of Orville Wright Neighborhood Park would not generate significantly greater traffic than what is anticipated in the Master EIR for neighborhood parks, as discussed in the Traffic and Circulation section of this Initial Study. Therefore, there would be no impact to conflict with or obstruct the implementation of the San Joaquin Valley Unified Air Pollution Control District air quality plan.

b) The development of Orville Wright Neighborhood Park would not generate significantly greater traffic than what is anticipated in the Master EIR for neighborhood parks, as discussed in the Traffic and Circulation section of this Initial Study. Therefore, there would be no impact that would result in the violation of any air quality standard or contribute substantially to an existing or projected air quality violation.

c) Because Orville Wright Neighborhood Park would not be any larger than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan and it will not generate significantly greater traffic than what is anticipated in the Master EIR, there would be no impact to a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

d) Because Orville Wright Neighborhood Park would not be any larger than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, there would be no impact to increase in exposure of sensitive receptors to substantial pollutant concentrations beyond that which was studied in the Master EIR.

e) Because Orville Wright Neighborhood Park would not be any larger and would include no elements other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, there would be no impact to creation of objectionable odors affecting a substantial number of people.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

Issues:

III. GENERATION OF NOISE – Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:

a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Because the proposed project is consistent with the General Plan in land use and intensity, the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. As stated in the Traffic and Circulation section, this project will not significantly increase vehicle trips, so it is anticipated that noise from this source would not increase. Generation of noise may increase slightly due to the addition of a baseball field on the park site, but this increase will not be greater than what is already accounted for in the MEIR and is deemed insignificant. Therefore, the project will not create additional significant noise impacts, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid for the reasons discussed below.

Discussion:

a) Because the elements and uses of the park are consistent with the standards that are set by the City of Modesto Urban Area General Plan, their development would be consistent with what was analyzed in the Master EIR. Therefore, their development would result in no impact to exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

b) Because the elements and uses of the park are consistent with the standards that are set by the City of Modesto Urban Area General Plan, their development would be consistent with what was analyzed in the Master EIR. Therefore, their development would result in no impact to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

c) Because the elements and uses of the park are consistent with the standards that are set by the City of Modesto Urban Area General Plan, their development would be consistent with what was analyzed in the Master EIR. Therefore, their development would result in no impact to a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

d) Because the elements and uses of the park are consistent with the standards that are set by the City of Modesto Urban Area General Plan, their development would be consistent with what was analyzed in the Master EIR. Therefore, their development would result in no impact to a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

e) Because the proposed Orville Wright Neighborhood Park would be located outside the noise contour of the Airport, (Figure 3-2 MEIR) analyzed in the General Plan Master EIR, its development would result in no impact to an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and the project would not expose people residing or working in the project area to excessive noise levels.

f) Because the proposed Orville Wright Neighborhood Park would be located in the Baseline Developed Area of the General Plan, where there are no private airstrips, and it was analyzed in the General Plan Master EIR, its development would result in no impact to a private airstrip, nor would the project expose people residing or working in the project area to excessive noise levels.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
III. LOSS OF PRODUCTIVE AGRICULTURAL LAND - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

This area is located in an urbanized portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid for the reasons discussed below.

Discussion:

a) Because the proposed Orville Wright Neighborhood Park would be located in the Baseline Development Area of the City of Modesto Urban Area General Plan covered by the General Plan Master EIR, there would be no impact to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

b) Because the proposed Orville Wright Neighborhood Park would be located in the Baseline Development Area of the City of Modesto Urban Area General Plan covered by the General Plan Master EIR, there would be no impact to existing zoning for agricultural use, or a Williamson Act contract.

c) Because the proposed Orville Wright Neighborhood Park would be located in the Baseline Development Area of the City of Modesto Urban Area General Plan covered by the General Plan Master EIR, there would be no impact to changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. INCREASED DEMAND FOR WATER SUPPLIES - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:				
a) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
b) Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effect?	☐	☐	☐	☒

The proposed project will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid for the reasons discussed below.

Discussion:

a) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, there would be no impact to water supplies available to serve the project from existing entitlements and resources, and no new or expanded entitlements would be needed.

b) Because the proposed Orville Wright Neighborhood Park would not be any larger and would include no elements other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, there would be no impact to any requirement or need for the construction of new water treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

Issues:

V. INCREASED DEMAND FOR SANITARY SEWER - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:

a) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
b) Exceed wastewater treatment requirements of applicable Regional Water Quality Control Board?	☐	☐	☐	☒
c) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effect?	☐	☐	☐	☒

The proposed project will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid, for the reasons discussed below.

Discussion:

a) The proposed Orville Wright Neighborhood Park will have no impact to increased demand for sanitary sewer service over what was assumed in the MEIR because it would not be any larger than the standard and would include no elements other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan. Therefore, project development would result in a determination by the wastewater treatment provider which serves or may serve the project (City of Modesto) that it has adequate capacity to serve the project's projected demand in addition to the provider's existing comments.

b) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, the project would not generate increased demand for sanitary sewer services over what was assumed in the Master EIR. Therefore, the project would result in no impact to wastewater treatment requirements of the applicable Regional Water Quality Control Board.

c) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, the project would not generate increased demand for sanitary sewer services above that analyzed in the Master EIR. Therefore, the project would result in no impact to a requirement for or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effect.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VI. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

The project is on the edge of a built-up urban area and is partially located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Although the project could have a significant effect on wildlife and plant habitat in the area, there will be no significant effect in this case because the mitigation measures described below will be added to the project. Therefore, with the preparation of a Mitigated Negative Declaration pursuant to CEQA section 21157.5 that incorporates these Mitigation Measures into the project, the Existing Conditions, Impact Analysis, and the Mitigation Measures for the Loss of Sensitive Wildlife and Plant Habitat (pages IV-7-1 through IV-7-30) are still valid for the reasons discussed below.

Discussion:

a) The proposed construction of Orville Wright Neighborhood Park would have a less than significant impact with mitigation incorporated, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Due to the generation of noise during park construction and the removal of suitable and/or marginal nesting habitat, this project, if not mitigated, could impact Swainson's Hawks, other raptors and migratory nesting birds. During a field survey conducted by Jeff Little and Jason Lowe of Sycamore Environmental on October 2, 2001, it was indicated that there were no nests for any of these migratory birds observed in the area; they also identified various Native Oaks that could be suitable nesting habitat for these migratory birds (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit "B"), Sycamore Environmental Consultants, Inc., Page 10, 11).

Many of the native Oaks will be removed with the construction of this park, the one exception being the large blue oak – valley oak hybrid in the middle of the park measuring 37" in diameter. The City of Modesto currently does not have a tree ordinance or any other regulatory ordinance that would require mitigation for the removal of native Oak trees, however since large native Oaks are considered a suitable nest tree for Swainson's Hawks, other raptors and migratory nesting birds, the City of Modesto voluntarily includes mitigation measures for the significant native Oak trees that will be removed during this construction. Although the initial impact to the area will decrease the amount of native oaks suitable for migratory nesting birds, overall this decrease is very insignificant in relation to the surrounding areas, and the development of Orville Wright Neighborhood Park will eventually result in a net increase in native oaks suitable for migratory nesting birds.

In addition, the report completed by Sycamore Environmental indicates that there are no habitat for state or federal–listed special-status plant species within the project study area (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit "B"), Sycamore Environmental Consultants, Inc., Page 7).

Therefore, the following mitigation measures will be incorporated into the Design Development Report, Construction Documents and Construction Schedule for this park and will ensure a less than significant impact:

1. Regarding Swainson's Hawk: "If construction is scheduled to commence during the breeding season (i.e., 1 March to 15 September), the City of Modesto Parks, Recreation and Neighborhoods Department shall retain a qualified biologist to conduct a pre-construction survey to determine if Swainson's Hawks are nesting within 0.25 mile of the project area. Pre-construction surveys will be conducted at least 2 weeks prior to

construction. If no active nests are found in the study area, no further mitigation measures will be necessary.

If an active Swainson's Hawk nest is located within 0.25 mile of the project area, the biologist will record the location(s) on a site map. The City will report the results of the nest survey to DFG via letter to determine if any additional mitigation measures need to be implemented." (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit "B"), Sycamore Environmental Consultants, Inc., Page 10)

2. Regarding other raptors and migratory birds (nesting): "If construction begins outside the breeding season (1 March to 30 August), there will be no need to conduct surveys for active nests. This time frame corresponds to the breeding season of many raptors and migratory birds. If construction is scheduled to commence during the breeding season, the City of Modesto Parks, Recreation and Neighborhoods Department shall retain a qualified biologist to conduct a pre-construction survey to determine if raptors or migratory birds are nesting within the project study area. Pre-construction surveys will be conducted at least 2 weeks prior to construction. If no active nests are found in the study area, no further mitigation will be necessary.

   If active nests are located within 75m (250ft) of the project study area, the biologist will record the location(s) on a site map. A minimum 75m (250ft) Environmentally Sensitive Area (buffer) shall be established around the tree. A biologist shall delimit the buffer zone with yellow caution tape or temporary flagging. The construction contractor shall be responsible for installing stakes or temporary fencing at the edge of the buffer zone. The buffer zone shall be maintained throughout the breeding season (1 March to 30 August). No disturbance shall occur within 75m (250ft) of a nest tree during the breeding season. During construction, a biologist will monitor nests weekly to evaluate potential nesting disturbance caused by construction activities. The biological monitor will have the authority to stop construction if construction appears to be adversely affecting nesting raptors or migratory birds." (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit "B"), Sycamore Environmental Consultants, Inc., Page 10, 11)

3. Regarding the native Oak trees, a very conservative determination of a significant Oak tree has been adopted for this specific project, with all native Oaks in excess of 10-inch dbh being designated as significant trees. Based on this determination, there are five significant native Oaks (one Blue Oak, three Valley Oaks, and one Interior Live Oak) that will be removed with this construction. The City of Modesto will replace each significant native Oak tree removed with three 15 gallon specimens of either Valley Oak, Blue Oak or Interior Live Oak trees. The City of Modesto is currently considering a "Draft Ordinance for Oak and Heritage Tree Maintenance and Preservation" and the Mitigation Measures included here are consistent with that Draft Ordinance.

b) On page 7 of the Biological Evaluation Report prepared by Sycamore Environmental (Exhibit "B"), under the subheading of Sensitive Communities it states, "There are no sensitive communities in the project study area. The trees on-site are associated with the abandoned house and are not part of the riparian corridor." Since there are no Sensitive Communities in the project area, the construction of Orville Wright Neighborhood Park will have no impact in regards to having a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

c) On page 7 of the Biological Evaluation Report prepared by Sycamore Environmental (Exhibit "B"), under the subheading of Wetlands it states, "No wetlands or other waters of the U.S. occur in the project study area." Since there are no Wetlands in the project area, the construction of Orville Wright Neighborhood Park will have no impact in regards to having a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

d) The proposed construction of Orville Wright Neighborhood Park would have a less than significant impact with mitigation incorporated, in regards to interfering substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Due to the generation of noise during park construction and the removal of suitable and/or marginal nesting habitat, this project, if not mitigated, could impact Swainson's Hawks, other raptors and migratory nesting birds. During a field survey conducted by Jeff Little and Jason Lowe of Sycamore Environmental on October 2, 2001, it was indicated that there were no nests for any of these migratory birds observed in the area. They also identified various native Oaks that could be suitable nesting habitat for these migratory birds (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit "B"), Sycamore Environmental Consultants, Inc., Page 10, 11).

Many of the native Oaks will be removed with the construction of this park, the one exception being the large blue oak – valley oak hybrid in the middle of the park measuring 37" in diameter. The City of Modesto currently does not have a tree ordinance or any other regulatory ordinance that would require mitigation for the removal of native Oak trees; however, since large native Oaks are considered a suitable nest tree for Swainson's Hawks, other raptors and migratory nesting birds, the City of Modesto voluntarily includes mitigation measures for the significant native Oak trees that will be removed during this construction. Although the initial impact to the area will be a decrease in the amount of native oaks suitable for migratory nesting birds, overall this decrease is very insignificant in relation to the surrounding areas. Also, the development of Orville Wright Neighborhood Park will eventually result in a net increase in native Oaks suitable for migratory nesting birds.

Therefore, mitigation measures, as listed above in section "a", will be incorporated into the Design Development Report, Construction Documents and Construction Schedule for this park and will ensure a less than significant impact.

e) Orville Wright Neighborhood Park is on the edge of a built-up urban area and is partially located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. This park is a transitional project between the built-up urban area and the Tuolumne River Regional Park. In accordance with the Mitigation Measures listed in the General Plan MEIR (pages IV-7-1 through IV-7-30) for the Potential Biological Resource Study Area, a Biological Evaluation Report has been prepared by Sycamore Environmental (Exhibit "B").

The MEIR states (page IV-7-3) that the "Riparian Corridor Diagram, delineates the probable extent of the riparian corridors containing the Valley Foothill riparian and riverine habitats within the General Plan Area. The riparian corridor boundaries should be considered preliminary and should be refined as site-specific information become available." After completion of the Biological Evaluation Report, Sycamore Environmental came to the following conclusions regarding the proposed park site:

1) Regarding Special Status Wildlife Species, the report identifies three wildlife species that could be affected with the construction of this project: Valley Elderberry Longhorn Beetle, Swainson's Hawk, and Raptors or other migratory birds. Regarding the Valley Elderberry Longhorn Beetle, the report states that "there was no suitable habitat in the project area." Regarding the Swainson's Hawk the report states that "the closest record of a Swainson's Hawk nest was 2.1 miles from the project, and there are three trees that could be suitable habitat for a Swainson's Hawk", but it is unlikely due to the existing level of disturbance from children at the adjacent school. Regarding the Raptors and other migratory birds the report states that "native and ornamental trees in the project area provide marginal nesting habitat for other raptors and migratory birds", but here again the existing level of disturbance from school children makes it unlikely. (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit "B"), Sycamore Environmental Consultants, Inc., Page 10)

2) Regarding Special Status Plant Species the report states that, "No habitat for state or federally listed special status plant species occurs within the project study area." (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit "B"), Sycamore Environmental Consultants, Inc., Page 7)

3) Regarding Sensitive Communities the report states that, "There are no sensitive communities in the project study area. The trees on site are associated with the abandoned house and are not part of the riparian corridor." (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit "B"), Sycamore Environmental Consultants, Inc., Page 7)

4) Regarding Wetlands the report states that, "No wetlands or other waters of the U.S. occur in the project study area." (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit "B"), Sycamore Environmental Consultants, Inc., Page 7)

Based on the findings of the Biological Evaluation Report as outlined above it is clear that although part of the site was shown as a Potential Biological Resource Study Area in Figure 7-1 of the MEIR, it does not meet the criteria of a Sensitive Biological Habitat. Therefore, the development of the proposed Orville Wright Neighborhood Park, which has elements and uses that are consistent with the standards set by the City of Modesto Urban Area General Plan, would be consistent with what was analyzed in the Master EIR for Baseline Development.

The City of Modesto does not currently have a Tree Protection Ordinance in place. The only local ordinance or policy that would protect biological resources is the General Plan and the subsequent MEIR. Since it has been determined that Orville Wright Neighborhood Park is not in a Sensitive Biological Habitat, and the development of the park is consistent with the General Plan Park Standards for a Neighborhood Park, it can be concluded that there will be no impact above and beyond the impacts outlined in the MEIR in regard to a conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

f) Orville Wright Neighborhood Park is located in a transitional area between a built-up urban area in the Airport Neighborhood of Modesto and the Tuolumne River Regional Park. The only resemblance of a Habitat Conservation Plan that would relate to this project is the Tuolumne River Regional Park Master Plan and subsequent EIR. Orville Wright Neighborhood Park is not included in the Master Plan for TRRP, but is adjacent to this property. After review of the TRRP Master Plan and EIR, it can be concluded that the design and construction of Orville Wright Neighborhood Park will complement this Master Plan and actually provide excellent viewing opportunities into the Tuolumne River Regional Park. Therefore, there is no impact in regard to a conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

Issues:

VII. DISTURBANCE OF ARCHAEOLOGICAL OR HISTORICAL SITES - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates that the project is within an Archaeological Resource Zone, which shows areas that may require additional site-specific investigations. A Cultural Resources Assessment was completed by Peak & Associates, Inc. (Exhibit "C") and a Field Inspection was conducted on September 29, 2001 by Robert Gerry of Peak & Associates. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid, for the reasons discussed below.

Discussion:

a) Orville Wright Neighborhood Park is located in an Archaeological Resource Zone, as presented in Figure 8-1 of the MEIR. In accordance with the Mitigation Measures listed in the General Plan MEIR (pages IV-8-1 through IV-8-21), for the Archaeological Resource Zone, a Cultural Resources Assessment has been prepared by Peak & Associates, Inc. (Exhibit "C"). Page 5 of the above mentioned report states that "No structures in the immediate vicinity of the project area are on a register of historic properties". There was a house located on the project site at the time of the field inspection conducted by Peak & Associates, Inc. Peak & Associates concluded, on page 6 of their report, that "Although the structure in the project area is unusual, it does not appear to be particularly old, the idiosyncratic architecture certainly does not reflect a recognized style, and it is in very poor condition". Therefore, they concluded that "This property is not eligible for the NRHP or the State Register of Historic Places". Although this property is located in the Archaeological Resource Zone it is clear from the Cultural Resources Assessment prepared by Peak & Associates that there are no historical resources associated with the construction of this park. Therefore, there is no impact to cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.

b) Orville Wright Neighborhood Park is located in an Archaeological Resource Zone, as presented in Figure 8-1 of the MEIR. In accordance with the Mitigation Measures, listed in the General Plan MEIR (pages IV-8-1 through IV-8-21), for the Archaeological Resource Zone, a Cultural

Resources Assessment has been prepared by Peak & Associates, Inc. (Exhibit "C"). Page 5 of the above mentioned report states that "No archaeological sites have been recorded in or within a quarter mile of the project area". Following their field inspection, Peak & Associates concluded, on page 6 of their report, that "No evidence of archaeological sites was observed". Therefore, they concluded, on page 7, that "There is no indication that a subsurface cultural deposit in the project area is likely to exist, or to have survived the intensive agricultural use of the area". They went on to say "However, the possibility cannot be totally eliminated based on surface inspection alone". Although this property is located in the Archaeological Resource Zone, it is clear from the Cultural Resources Assessment prepared by Peak & Associates that it is not likely that any archaeological resources will be encountered during the construction of this project. The General Plan MEIR has specific mitigation measures that are included with any project within the scope of the General Plan, and these mitigation measures will be included in the construction documents for the park. With these existing mitigation measures in place, it can be concluded that there is no impact, above what has already been studied in the MEIR, to cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.

c) As indicated in the discussion above, this area has no known archaeological sites within a quarter mile of the project area. Therefore, it can be concluded that there is no impact, above what has already been studied in the MEIR, to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

d) As indicated in the discussion above, this area has no known archaeological sites within a quarter mile of the project area. Therefore, with the existing General Plan mitigation measures in place, it can be concluded that there is no impact, above what has already been studied in the MEIR, to disturb any human remains, including those interred outside of formal cemeteries.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

Issues:

VIII. DRAINAGE, FLOODING AND WATER QUALITY - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:

a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support the land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
e) Otherwise substantially degrade water quality?	☐	☐	☐	☒
f) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
i) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

The proposed project will have a less than significant impact to Drainage, Flooding, and Water Quality. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are still valid for the reasons listed below.

Discussion:

a) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact to violate any water quality standards or waste discharge requirements.

b) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact to substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).

c) Although the project will require some grading on the site, the existing drainage patterns of the site or area will not change. Therefore, the project would result in no impact to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on– or off-site.

d) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact to create or contribute runoff water which would exceed the capacity or existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

e) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact to substantially degrade water quality.

f) Although the project is partially located in a 100-Year Flood Hazard Area, as indicated on the Flood Insurance Rate Map (Community-Panel Number 060387 0015 D, revised May 7, 2001), there is no housing proposed with this project. Since no housing is proposed there would be no impact in regard to placing housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

g) This project is partially located in a 100-Year Flood Hazard Area, as indicated on the Flood Insurance Rate Map (Community-Panel Number 060387 0015 D, revised May 7, 2001). This project proposes to construct a road, concrete sidewalks and landscaped areas in the 100-year flood hazard area. In order to complete the road in accordance with safety guidelines for road design approximately 2,200 CY net of fill will be required to construct it. Approximately 1,800 CY net of fill is also proposed in the park itself in order to provide the park elements requested by the neighborhood and to keep them out of the 100-year flood hazard area. The total net anticipated soil to be filled in the 100-yr flood hazard area is about 4,000 cubic yards. All of this fill of soil is located on the extreme north border of the 100-year flood hazard area. The City of

Modesto has just recently completed a FEMA-funded project to remove fourteen homes and adjacent landscaping in the flood hazard area just upstream of this project along Hillside Drive. The result of the removal of the fourteen homes was to increase the capacity for flood waters along the Tuolumne River. Due to the fact that the fourteen homes were removed from the flood hazard area and the fact that the fill of soil will be located on the extreme northern border of the 100-year flood hazard area, it can be concluded that the construction of this project will have a less than significant impact in regard to placing within a 100-year flood hazard area structures which would impede or redirect flood flows.

h) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact in regard to exposing people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

i) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact to inundation by seiche, tsunami, or mudflow.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

Issues:

IX. INCREASED DEMAND FOR STORM DRAINAGE - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:

a) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ☐ ☐ ☐ ☒

The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV- 10-8) are still valid for the reasons discussed below.

Discussion:

a) The project will not present any new impacts that have not already been addressed in the MEIR. The existing storm drainage on the site is contained by sheet flow across the property and down to an ancient channel of the Tuolumne River where it percolates into the ground. The proposed park project will not change this method of storm drainage and will not create any additional runoff that has not already been accounted for in the General Plan MEIR. Therefore, the project would have no impact to any requirements for or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effect.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

Issues:

X. INCREASED DEMAND FOR PARKS AND OPEN SPACE - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

The Airport Neighborhood is currently an exception to the Baseline Developed Area – Neighborhood Park Standards, due to a deficiency of park land. This project will provide neighborhood park facilities, which attempt to satisfy Open Space and Park policies and Neighborhood Park standards that apply to the Airport Neighborhood. The demand for parks and open space will, in part, be met with the development of this park. As is stated in the Urban Area General Plan, in some cases "it may not be possible to conform precisely to all policies and meet all standards in total because of prior development patterns and policies that were not under the City's control." This neighborhood is one such case, in which the park that is proposed is the best-case scenario within the constraints that are presented in the neighborhood. The proposed park will provide 3.8 acres of land, is adjacent to an existing elementary school and, due to a joint use agreement with the school district, will provide a total of 6.1 acres of land for recreational purposes after school hours. This project does not create an additional need for parks and open space and although it does not totally satisfy the current policies and standards that are set forth in the General Plan, it does attempt to provide as much quality park land as possible to the Airport Neighborhood. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are still valid, for the reasons discussed below.

Discussion:

a) Because the proposed Orville Wright Neighborhood Park would provide for an effective increase in the amount of available park and open space land and since the joint use agreement with Modesto City Schools will provide for sharing of uses between the school and the park users, the project would have no impact to increasing the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

b) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact to the requirement for the construction or expansion of recreational facilities which might have an adverse effect on the environment.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

Issues:

XI. INCREASED DEMAND FOR SCHOOLS - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts to:

a) Would the project result in substantial adverse physical impacts associated with the provisions of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for school services. ☐ ☐ ☐ ☒

This development will not create any additional demand for schools. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are still valid, for the reasons discussed below.

Discussion:

a) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact resulting in substantial adverse physical impacts associated with the provisions of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for school services.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

Issues:

XII. INCREASED DEMAND FOR POLICE SERVICES - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts to:

a) Would the project result in substantial adverse physical impacts associated with the provisions of new or physically altered police service facilities, need for new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police services. ☐ ☐ ☐ ☒

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are therefore still valid, for the reasons discussed below.

Discussion:

a) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact associated with the provisions of new or physically altered police service facilities, need for new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police services.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. INCREASED DEMAND FOR FIRE SERVICES - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts to:				
a) Would the project result in substantial adverse physical impacts associated with the provisions of new or physically altered fire protection facilities, need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services.	☐	☐	☐	☒

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are therefore still valid, for the reasons discussed below.

Discussion:

a) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact associated with the provisions of new or physically altered fire protection facilities, need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

Issues:

XIV. GENERATION OF SOLID WASTE - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts to:

a) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
b) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

This project will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10) are therefore still valid, for the reasons discussed below.

Discussion:

a) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, there would be no significant increase in generation of solid waste beyond that studied in the Master EIR. Therefore, the project would result in no impact to increase demand for service by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.

b) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, there would be no significant increase in generation of solid waste beyond that studied in the Master EIR. Therefore, the project would result in no impact to compliance with federal, state, and local statutes and regulations related to solid waste.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

Issues:

XV. GENERATION OF HAZARDOUS MATERIALS - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts to:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

This proposed use will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-15) are therefore still valid, for the reasons discussed below.

Discussion:

a) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, will be consistent in use and intensity with Neighborhood Park standards, and will be constructed and maintained to City standards, there is no impact greater than that studied in the General Plan MEIR to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

b) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, will be consistent in use and intensity with Neighborhood Park standards, and will be constructed and maintained to City standards, there is no impact greater than that studied in the General Plan MEIR to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

c) Although Orville Wright Neighborhood Park will be located adjacent to an existing school (Orville Wright School) within the boundaries of the Urban Area General Plan, it will be consistent in use and intensity with Neighborhood Park standards, and will be constructed and maintained to City standards. Therefore, there is no impact greater than that studied in the General Plan MEIR to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

d) Orville Wright Neighborhood Park is located in a Potential Hazardous Contamination Study Area, as presented in Figure 16-1 of the MEIR. In accordance with the Mitigation Measures, listed in the General Plan MEIR (pages IV-16-1 through IV-16-15), for the Potential Hazardous Contamination Study Area, a Phase I Environmental Site Assessment has been prepared by Bovee Environmental Management (Exhibit "D"). Page 7 of the above mentioned report states that "This assessment has not revealed evidence of a potential recognized environmental condition which would require further assessment activities". Bovee Environmental Management concluded, on page 7 of their report, that "No further environmental investigations are recommended for the Subject Site, located at South Thrasher Street in Modesto, California". Although this property is located in the Potential Hazardous Contamination Study Area, it is clear from the Phase I Environmental Site Assessment prepared by Bovee Environmental Management that there are no significant environmental hazards associated with the construction of this park. Therefore, there is a less than significant impact to being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, the project would not create a significant hazard to the public or the environment.

e) Orville Wright Neighborhood Park is located within the Modesto City-County Airport Land Use Planning Area Boundary as indicated in the Airport Land Use Commission Plan, adopted August 3, 1978. The Airport Land Use Compatibility Listing section of this document states that the project is a category 4 land use, which indicates that compatible uses in this area are Parks, Playgrounds, Picnic Areas, and Athletic Fields. Since the Master Plan of Orville Wright Neighborhood Park proposes only uses and facilities that are compatible with the Airport Land Use Commission Plan, there is no impact to result in a safety hazard for people residing, working or visiting the project area.

f) Because the proposed Orville Wright Neighborhood Park would be located in the Baseline Developed Area of the General Plan, and there are no private airstrips within or adjacent to the Modesto General Plan Area, its development would result in no impact to a private airstrip, or to result in a safety hazard for people residing or working in the project area.

g) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan and will be consistent in use and intensity with Neighborhood Park standards, there is no impact that would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

h) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan and will be consistent in use and intensity with Neighborhood Park standards, there is no impact, beyond that already studied in the MEIR, to expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. LANDSLIDES AND SEISMIC ACTIVITY - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts to:				
Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: a) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
b) Strong seismic ground shaking?	☐	☐	☐	☒
c) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
d) Landslide?	☐	☐	☐	☒
e) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
f) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
g) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
h) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

This use will result in no additional potential for exposing people to landslides or earthquake-related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are therefore still valid, for the reasons discussed below.

Discussion:

a) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, and, per Figure 17-1 MEIR, the nearest fault is 15 miles west of the Modesto General Plan Area, there is no impact to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.

b) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, and, per Figure 17-1 MEIR, the nearest fault is 15 miles west of the Modesto General Plan Area, there is no impact to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

c) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, and, per Figure 17-1 MEIR, the nearest fault is 15 miles west of the Modesto General Plan Area, there is no impact to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.

d) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, will be consistent in use and intensity with Neighborhood Park standards, and will be constructed to City standards, there is no impact to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.

e) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, will be consistent in use and intensity with Neighborhood Park standards, and will be constructed to City standards, there is no impact to result in substantial soul erosion or the loss of topsoil.

f) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, will be consistent in use and intensity with Neighborhood Park standards, and will be constructed to City standards, there is no impact to being located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

g) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, will be consistent in use and intensity with Neighborhood Park standards, and will be constructed to City standards, there is no impact to being located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.

h) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, will be consistent in use and intensity with Neighborhood Park standards,

and will be constructed to City standards, there is no impact to soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

Issues:

XVII. ENERGY - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts to:

a) Use of fuel, water, or energy in a wasteful manner.	☐	☐	☐	☒
b) Encourage activities which result in the use of large amounts of fuel, water, or energy.	☐	☐	☐	☒

This use will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are still valid, for the reasons discussed below.

Discussion:

a) Because service providers indicated ability to serve the area covered by the MEIR, and because of the low energy requirements of parks facilities, there would be no impact to use of fuel, water, or energy in a wasteful manner.

b) Because service providers indicated ability to serve the area covered by the MEIR, and because of the low energy requirements of parks facilities, there would be no impact to encouraging activities which result in the use of large amounts of fuel, water, or energy.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

Issues:

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE - Compared to the Master EIR certified for the Modesto Urban Area General Plan:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Discussion:

a) As set forth in the MEIR and this Initial Study, this project is located in biological, archeological, cultural, and hazardous materials study areas. The subsequent studies have been completed (Exhibit "B, C, & D") and have been incorporated in this Initial Study and Mitigated Negative Declaration. Due to the Mitigation Measures identified in this document, it can be concluded that this project does not have the potential to further degrade the quality of the environment.

b) Because Orville Wright Neighborhood Park would be consistent with Neighborhood Park Plan Standards as outlined in the Urban Area General Plan, the park does not have impacts which would be considered cumulatively considerable. The MEIR specifically projects development of the entire General Plan by the year 2025, and this project is a small increment of that development. Since the adoption of the MEIR, there are no major projects proposed in the vicinity of this project which would further exacerbate impacts which have not already been reviewed.

c) Finally, as set forth in both the MEIR and this Initial Study, it is not expected that the project will cause substantial adverse effects on human beings, either directly or indirectly.

XIX. DETERMINATION

Based on substantial evidence provided in the Initial Study, the City of Modesto finds:

☒ This Initial Study, prepared pursuant to CEQA Section 21157.1, has identified an additional significant environmental effect that was not analyzed in the Master EIR. This additional significant effect is potential impact to Loss of Wildlife/Plant Habitat.

☒ Feasible mitigation measures will be incorporated to revise the subsequent project before the Negative Declaration and Initial Study is released for public review pursuant to CEQA Section 21092 in order to avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.

The City's Parks, Recreation and Neighborhoods, Engineering and Transportation, Operations and Maintenance, and Community Development Departments have reviewed the proposed project and have determined the following mitigation measures will address the identified impacts and provide an acceptable level of service.

Impact:
Loss of Wildlife/Plant Habitat

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?

Mitigation:
The following mitigation measures are incorporated in the Design Development Report for Orville Wright Neighborhood Park and will be incorporated in the construction documents and schedule for this park.

1. Regarding Swainson's Hawk: "If construction is scheduled to commence during the breeding season (i.e., 1 March to 15 September), the City of Modesto Parks, Recreation and Neighborhoods Department shall retain a qualified biologist to conduct a pre-construction survey to determine if Swainson's Hawks are nesting within 0.25 mile of the project area. Pre-construction surveys will be conducted at least 2 weeks prior to construction. If no active nests are found in the study area, no further mitigation measures will be necessary.

   If an active Swainson's Hawk nest is located within 0.25 mile of the project area, the biologist will record the location(s) on a site map. The City will report the results of the nest survey to DFG via letter to determine if any additional mitigation measures need to be implemented." (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit "B"), Sycamore Environmental Consultants, Inc., Page 10)

2. Regarding other raptors and migratory birds (nesting): "If construction begins outside the breeding season (1 March to 30 August), there will be no need to conduct surveys for active nests. This time frame corresponds to the breeding season of many raptors and migratory birds. If construction is scheduled to commence during the breeding season, the City of Modesto Parks, Recreation and Neighborhoods Department shall retain a qualified biologist to conduct a pre-construction survey to determine if raptors or migratory birds are nesting within the project study area. Pre-construction surveys will be conducted at least 2 weeks

prior to construction. If no active nests are found in the study area, no further mitigation will be necessary.

If active nests are located within 75m (250ft) of the project study area, the biologist will record the location(s) on a site map. A minimum 75m (250ft) Environmentally Sensitive Area (buffer) shall be established around the tree. A biologist shall delimit the buffer zone with yellow caution tape or temporary flagging. The construction contractor shall be responsible for installing stakes or temporary fencing at the edge of the buffer zone. The buffer zone shall be maintained throughout the breeding season (1 March to 30 August). No disturbance shall occur within 75m (250ft) of a nest tree during the breeding season. During construction, a biologist will monitor nests weekly to evaluate potential nesting disturbance caused by construction activities. The biological monitor will have the authority to stop construction if construction appears to be adversely affecting nesting raptors or migratory birds." (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit "B"), Sycamore Environmental Consultants, Inc., Page 10, 11)

3. Regarding the native Oak trees, a very conservative determination of a significant Oak tree has been adopted for this specific project, with all native Oaks in excess of 10-inch dbh being designated as significant trees. Based on this determination, there are four significant native Oaks (one Blue Oak, three Valley Oaks, and one Interior Live Oak) that will be removed with this construction. The City of Modesto will replace each significant native Oak tree removed with three 15 gallon specimens of either Valley Oak, Blue Oak or Interior Live Oak trees.

☒ There is no substantial evidence in light of the whole record before the public agency that the projects, as revised, may have a significant effect on the environment (CEQA Section 21064.5(2)).

☒ Based on the above-referenced Initial Study and feasible mitigation measures incorporated to revise the proposed project in order to avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment will occur, staff finds that a Mitigated Negative Declaration should be adopted pursuant to CEQA Section 21157.5 et seq. for the proposed Orville Wright Neighborhood Park Master Plan, Design Development Report, and subsequent park and road construction.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described above have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

☒ I further find that the cumulative impacts of this project are consistent with those set forth in the Master EIR for the Modesto Urban Area General Plan. This project proposes development of parks and open space uses generally consistent with that analyzed in the General Plan Master EIR and set forth in the Modesto Urban Area General Plan. The City's Parks, Recreation and Neighborhoods, Engineering and Transportation, Operations and Maintenance, and Community Development Departments have determined that the impacts from this project with mitigation applied will achieve the level of service consistent with the Modesto Urban Area General Plan and Master EIR. As such, this project would generate no additional cumulative impacts that were not previously addressed in the Master EIR. All appropriate mitigation measures from the Master EIR have been incorporated into the project, and no further evaluation of cumulative impacts is required since this project generated no significant cumulative impact.

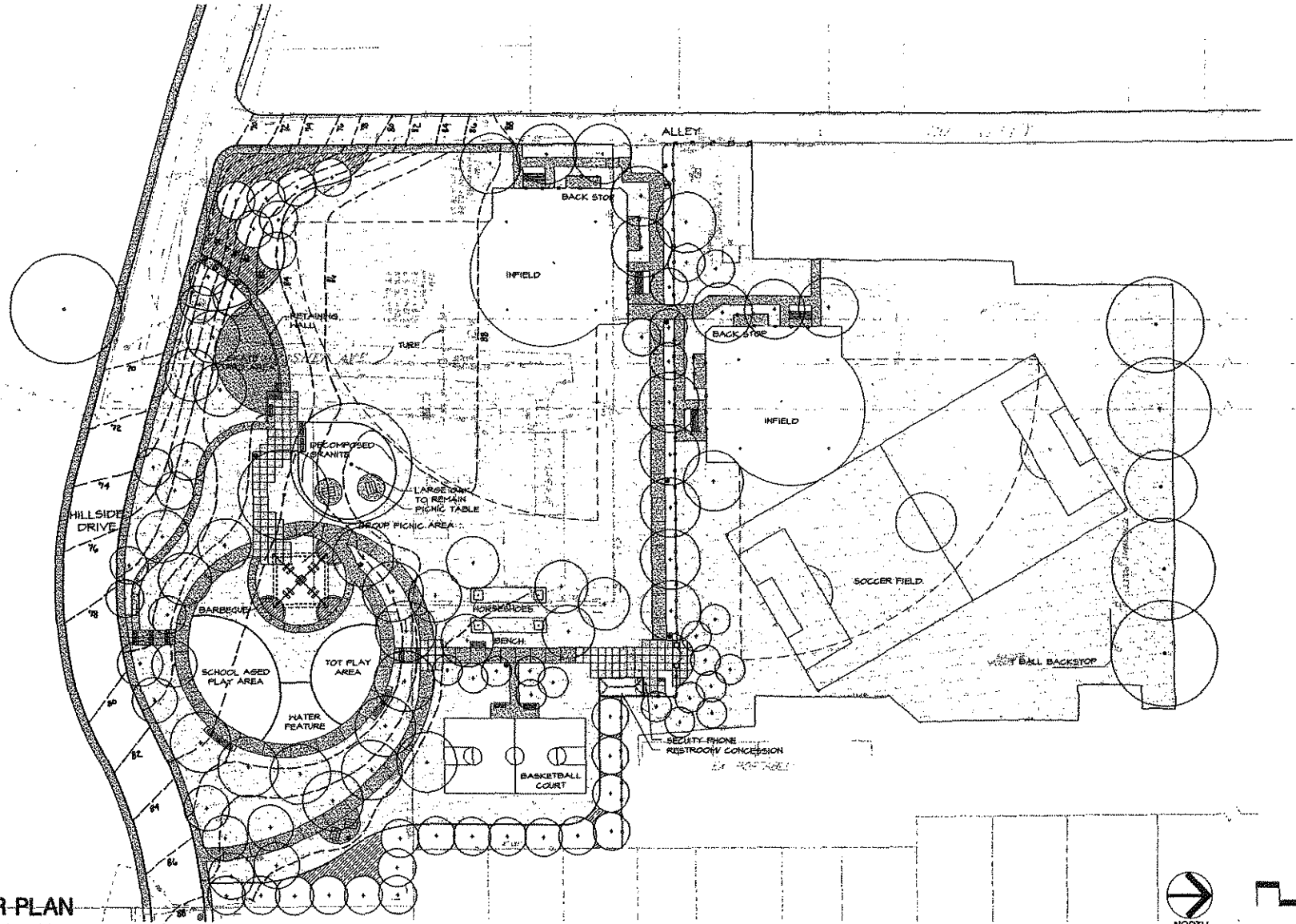
☒ As required by CEQA Section 21081.6 et seq., a mitigation monitoring program (Exhibit "E") will be adopted by incorporating the mitigation measures into the project plan (Section 21081.6(b)).

Signature: _____ Date: March 5, 2002

Nathan G. Houx, Project Coordinator
Parks, Recreation and Neighborhoods Department
City of Modesto

EXHIBIT "A"

ORVILLE WRIGHT NEIGHBORHOOD PARK MASTER PLAN



MASTER PLAN
ORVILLE WRIGHT PARK 08/31/01

CALLANDER ASSOCIATES
LANDSCAPE ARCHITECTURE AND PARK PLANNING

PARKS, RECREATION, AND NEIGHBORHOODS DEPARTMENT
CITY OF M[illegible]

EXHIBIT "B"

BIOLOGICAL EVALUATION REPORT FOR ORVILLE WRIGHT NEIGHBORHOOD PARK

Sycamore Environmental Consultants, Inc.
November 9, 2001

Biological Evaluation Report
for
Orville Wright Neighborhood Park

City of Modesto

Prepared by:
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Contact: Mr. Nathan Houx
Project Coordinator

9 November 2001

BIOLOGICAL EVALUATION REPORT
for
Orville Wright Neighborhood Park

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I. SUMMARY OF FINDINGS AND CONCLUSIONS

Construction of the Orville Wright Neighborhood Park project is not anticipated to adversely affect any state- or federal-listed special-status species or sensitive plant communities. Potential nesting habitat for raptors including Swainson's hawk, a state-listed threatened species, occurs in the project area. No raptor nests were observed in any of the mature trees on the property. With the implementation of mitigation measures, including preconstruction surveys for nesting birds, no impact is anticipated.

II. INTRODUCTION

Sycamore Environmental Consultants, Inc. (Sycamore Environmental) is assisting the City of Modesto with biological studies in support of the Orville Wright Neighborhood Park project.

III. PROJECT DESCRIPTION

This project will construct a 3.8 acre neighborhood park within the Airport Neighborhood located in the south area of Modesto, north of Hillside Drive, south of Monterey Avenue, and just west of Empire Avenue, adjacent to and including portions of Orville Wright Elementary School (Figure 1). The park will be developed to include underground utilities, landscaping, an irrigation system, game courts, athletic fields, water play area, family picnic units, a children's play area with play apparatus, park furniture, shade structure, skate area, a restroom utility building, security phone and security lighting. Construction activities associated with this project will include removal of the existing abandoned house, removal of trees around the house, grading, paving, and planting. This project will also renovate 2.3 acres of fenced school. The total area that will be constructed with this project will be 6.1 acres.

IV. STUDY METHODS

Study methods consisted of conducting surveys of the project study area, obtaining data from state and federal agencies, and reviewing maps and published and unpublished literature.

A. Studies Conducted

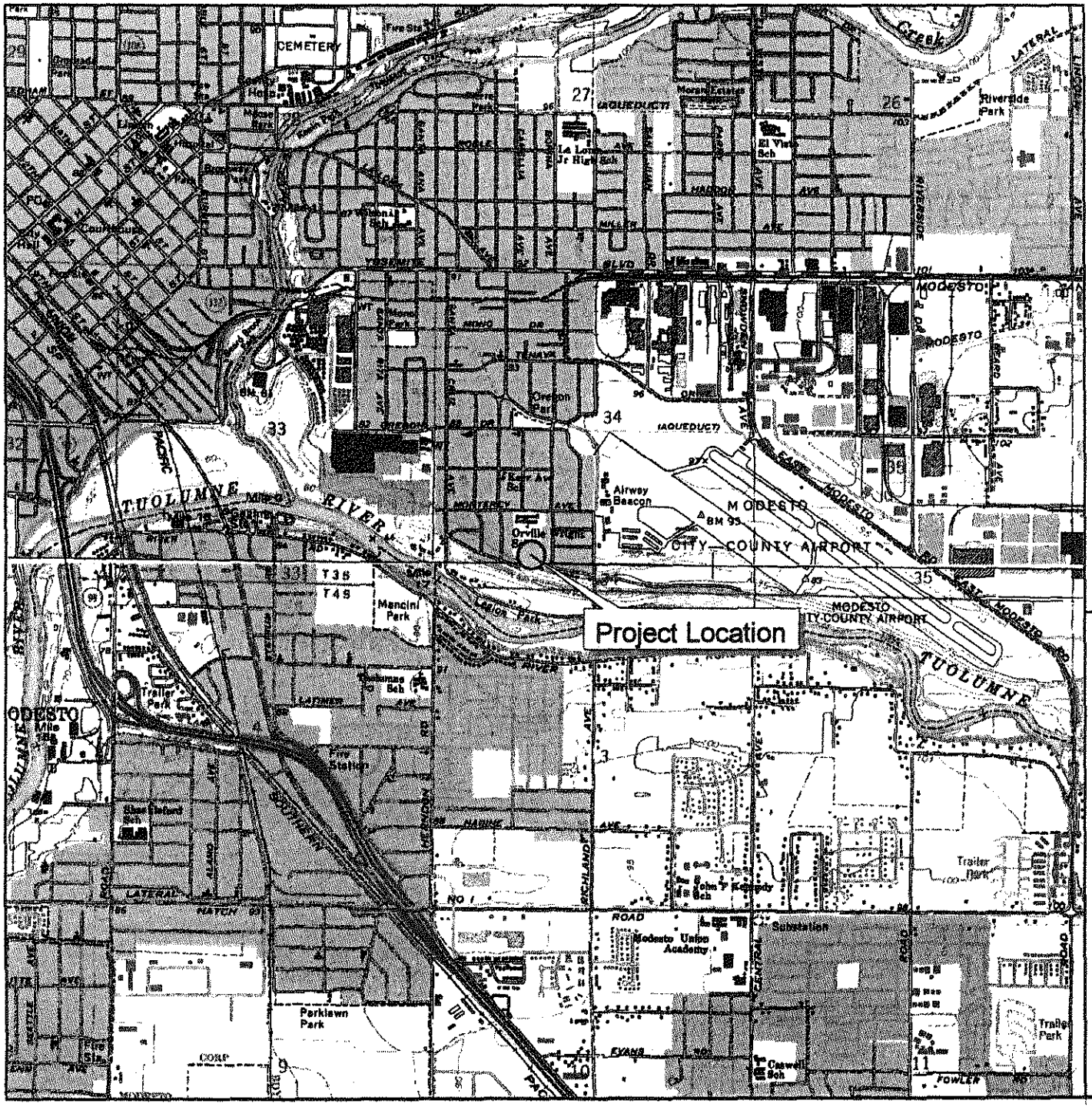
A biological evaluation was conducted to determine if any state or federal special-status plant or wildlife species or habitat for special-status species occurs in the project study area.

B. Survey Dates and Personnel

The project study area was surveyed on 2 October 2001 by Jeff Little and Jason Lowe, of Sycamore Environmental. On the morning of 2 October 2001 a pre-survey meeting was held between Sycamore Environmental and Mr. Nathan Houx , Project Coordinator for the City of Modesto, to discuss the project. Sycamore Environmental obtained aerial photographs and a conceptual design map of the project for use in the field.

C. Problems Encountered and Limitations That May Influence Results

The biological survey was conducted in October outside of the blooming season. However, no habitat for special-status plants exists in the study area.



Biological Evaluation Report for
Orville Wright Neighborhood Park
City of Modesto, CA
12 November 2001

Figure 1.
Project Location Map

1000 0 1000 2000 3000 Feet

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Sycamore Environmental Consultants, Inc.

Basemap:
Riverbank and Ceres USGS Quads
Teale Data Center DRG

D. Literature Search

Information on the biology, distribution, taxonomy, legal status, and other aspects of the special-status species was obtained from documents on file in the library of Sycamore Environmental. Standard references used for the biology and taxonomy of plants included Abrams (1923-1960); California Native Plant Society (2001); DFG (1999, 2001); Hickman, ed. (1993); and Mason (1957). Standard references used for the biology and taxonomy of wildlife included Behler and King (1979); Ehrlich et al. (1988); Jameson and Peeters (1988); Mayer and Laudenslayer, eds. (1988); Peterson (1990); Stebbins (1985); Udvardy (1977); Whitaker (1980); and Zeiner et al. (1988; 1990a, b).

A letter was sent to the U.S. Fish and Wildlife Service (USFWS) requesting file data on special-status species that could occur on the Ceres and Riverbank USGS topographic quadrangles. Their response dated 9 November 2001 is presented in Appendix A.

A computerized search of the California Natural Diversity Data Base (CNDDB/ RareFind report, 2 April 2001) was conducted for the Ceres and Riverbank USGS topographic quadrangles. A summary of these report is presented in Appendix B. This search was conducted to determine if there were any known occurrences of state- or federal-listed species recorded within the project study area.

In addition to the CNDDB/ RareFind report, Sycamore Environmental reviewed the following current lists prepared by the California Department of Fish and Game (DFG) Natural Diversity Data Base:

- *State and federally listed endangered and threatened animals of California* (July 2001);
- *Special animals* (July 2001);
- *State and federally listed endangered, threatened, and rare plants of California* (July 2001); and
- *Special plants list* (July 2001).

E. Field Surveys

Biological surveys consisted of walking and visually surveying the entire six-acre study area to assess potential habitat for special-status species. Plant species and plant communities were identified and recorded. Wildlife species observed in or near the project study area during surveys were recorded. A list of species observed is presented in Appendix C. Photographs of the study area are presented in Appendix D.

F. Mapping

Environmental and biological features observed within the project study area were mapped in the field by Sycamore Environmental using a 1997 aerial photograph supplied by the City (Figure 2).

V. ENVIRONMENTAL SETTING

Elevation of the project area is 68 to 94 ft above sea level. The topography is level on the northern two-thirds, and slightly sloping on the southern one-third of the project area. There is one abandoned building within the project area. Land use within the project area consists of a grass playing field for the Orville Wright School, and undeveloped open space surrounding an abandoned house. Land use adjacent to the project area consists of the Orville Wright School, residential housing, and open space. Legion Park and the Tuolumne River are approximately 0.2 mile south of the project area. No streams or wet areas occur in the project area. The extreme southwest corner of the project area is within the 100-year flood plain.

A. Description of the Biological Communities

The project area is located on the edge of an urban area and an open space. The open space is to the south of the project area and consists of fields with scattered trees. Vegetation in the project area consists of a mowed grass playing field, trees associated with the abandoned house, and disced fields with nonnative ruderal weeds around the periphery (Figure 2).

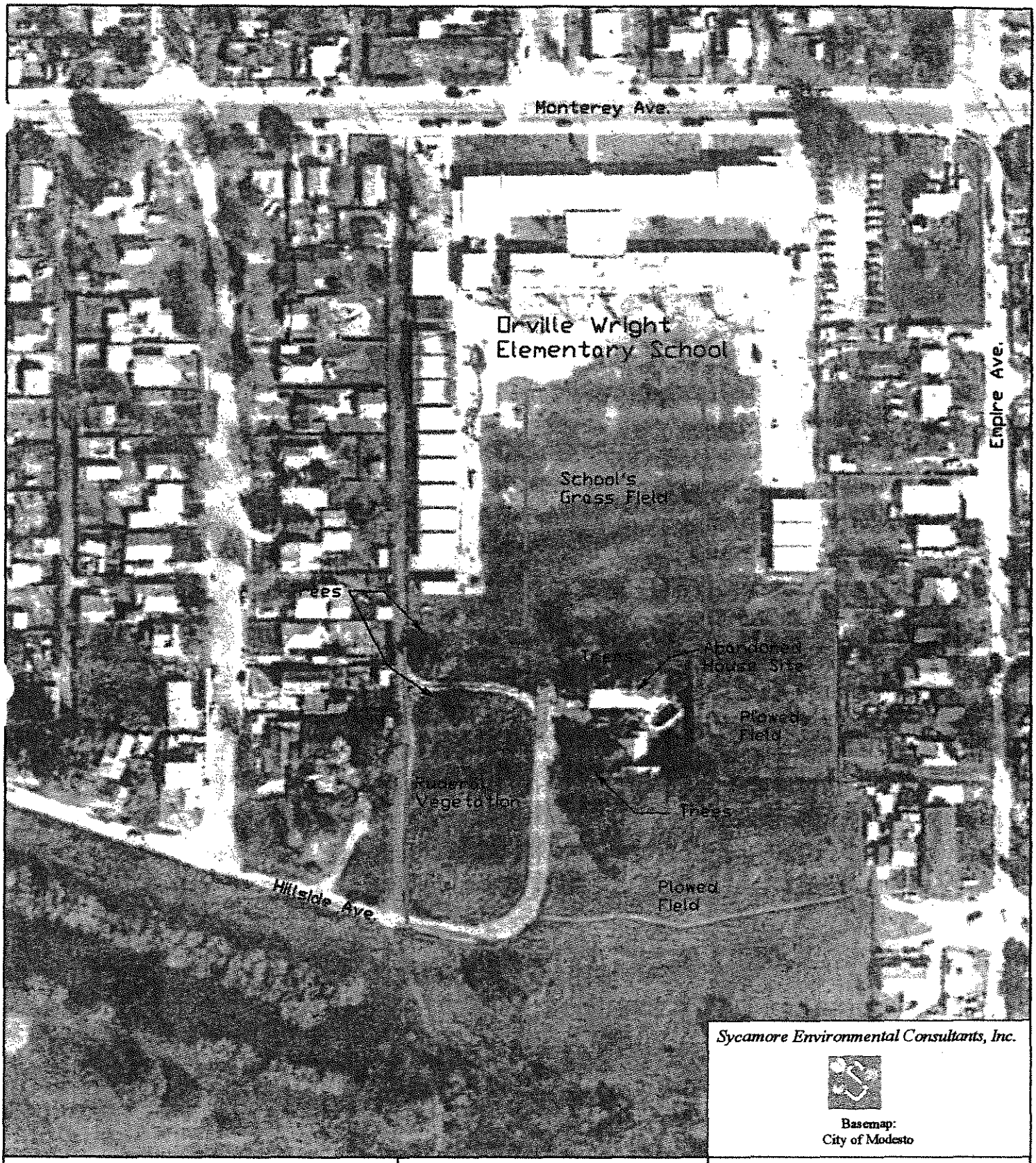
1. Plants

Species observed included various native and ornamental oaks (*Quercus* spp.), various fruit trees (*Prunus* spp.), tree of heaven (*Ailanthus altissima*), blue elderberry (*Sambucus mexicana*), Russian thistle (*Salsola tragus*), foxtail barley (*Hordeum jubatum*), and ripgut grass (*Bromus diandrus*). Trees were measured at breast height and are presented below (Table 1). A complete list of plant species observed in the project study area is presented in Appendix C.

Table 1. Trees greater than four inch dbh in the project study area.

NUMBER OF INDIVIDUALS	SCIENTIFIC NAME	COMMON NAME	DIAMETER AT BREAST HEIGHT (DBH)†
2	*Albizia julibrissin*	Silk tree	(7, 3, 3, 6), 7
1	*Quercus douglasii*	Blue oak	(4, 4, 8, 20)
5	*Quercus lobata*	Valley oak	5, 14, 16, (5, 5), 22
1	*Quercus lobata* x *douglasii*		37
1	*Quercus suber*	Cork oak	20
1	*Quercus wislizenii*	Interior live oak	17
1	*Juglans californica* var. *hindsii*	N. California black walnut	(7, 7, 8)
1	*Umbellularia californica*	California bay	15
1	*Fraxinus dipetala*	California ash	38
1	*Pinus muricata*	Bishop pine	36
1	*Punica granatum*	Pomegranate	not measured
1	*Prunus* spp.		(4, 5, 5)
3	*Salix* sp.	Willow	12, 8, 14
1	*Ailanthus altissima*	Tree-of-heaven	(15, 15, 10, 11, 8, 8, 5)
1	*Ulmus* sp.	Elm	24
2		Unidentified	(9, 7, 6), (10, 8, 7)
24	TOTAL		

† Diameters given in parentheses indicate multi-stem individuals.



Sycamore Environmental Consultants, Inc.

Basemap:
City of Modesto

Biological Evaluation Report for
Orville Wright Neighborhood Park
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Figure 2.

Biological Resources Map

Project Study Area Boundary

0 75 150 ft

Scale: 1" = 150'

N

OW_BioMap.dwg

2. Wildlife

Wildlife species observed in and near the study area included mourning dove (*Zenaida macroura*) and scrub jay (*Aphelocoma coerulescens*). No raptor nests were observed in or adjacent to the project study area. A complete list of wildlife species observed in the project study area is presented in Appendix C.

B. The Existing Level of Disturbance

The project study area includes the Orville Wright School playing field. This field is maintained. It is used by schoolchildren while school is in session. The majority of the project study area consists of the abandoned house and its yard. The garage portion of the house and some adjacent trees burned in a recent arson fire. To the south, Legion Park experiences an existing level of disturbance from vehicle traffic along Legion Park Dr., which parallels the Tuolumne River and provides public access to the park.

C. Special-Status Species Evaluated for the Project Area

File data requested from the USFWS, CNDDB/ RareFind records, and field surveys were used to determine the species evaluated in this document. File data requested from the USFWS listing special-status species that could potentially occur within the project area is presented in Appendix A. A total of 9 CNDDB/ RareFind records for 5 unique species were listed for the Ceres and Riverbank USGS quadrangles. A summary list of CNDDB/ RareFind records is provided in Appendix B. The state and federal listing status of special-status species for which suitable or marginal habitat is present in the study area is listed in Table 2. Special-status species for which suitable habitat is not present, or whose distributional limits preclude the possibility of their occurrence in the project study area, are not discussed further in this report. The Tuolumne River is 0.2 mile south of the project area. However, no creeks, wetlands, or fish habitat occur in the project area.

Table 2. Special-Status Species Evaluated.

SPECIAL-STATUS SPECIES	COMMON NAME	Federal/ State Status [a]	DFG Status [a]	Source [b]	Observed?
Birds					
Buteo swainsoni	Swainson's hawk (nesting)	--/T	--	1,2	No
Desmocerus californicus dimorphus	Valley elderberry longhorn beetle	T/--	--	1,2	No

[a] Status Categories

Federal status determined from USFWS letter. State status determined from *State and Federally Listed Endangered and Threatened Animals of California* (July 2001), *Special Animals* (July 2001), and/or *Special Plants List* (July 2001), *State and Federally Listed Endangered, Threatened, and Rare Plants of California* (July 2001) prepared by DFG Natural Diversity Data Base. CNPS status determined from *CNPS Inventory of Rare and Endangered vascular plants of California* (CNPS 2001). Codes used in table are as follows:

E = Endangered; T = Threatened; P = Proposed; R = California Rare; * = Possibly extinct.
C = Candidate: Taxa for which the Fish and Wildlife Service has sufficient biological information to support a proposal to list as endangered or threatened.
SC = USFWS Species of Concern: Taxa for which existing information may warrant listing but for which substantial biological information to support a proposed rule is lacking.
CSC = DFG "Species of Special Concern."
FP = DFG Fully protected
Prot. = DFG Protected
CNPS List (plants only): 1A = Presumed Extinct in CA; 1B = Rare or Endangered in CA and elsewhere; 2 = R/E in CA and more common elsewhere; 3 = Need more information; 4 = Plants of limited distribution.

[b] Sources

1 = From the USFWS letter.
2 = From CNDDB/ RareFind.
3 = Observed by Sycamore Environmental biologists

D. Special-Status Wildlife Species

1. Invertebrates

Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*)
HABITAT AND BIOLOGY: The Valley elderberry longhorn beetle requires an elderberry shrub (*Sambucus* sp.) as a host plant. The beetle's habitat consists of riparian forests whose dominant species include valley oak, cottonwood, willow, and sycamore with an understory of elderberry shrubs (USFWS, 1991). Elderberry shrubs with stems measuring over one inch in diameter are considered by USFWS to provide suitable habitat for the beetle.
RANGE: Found from Redding south to Bakersfield and from the western foothills of the Sierra Nevada to the eastern foothills of the Coast Range (USFWS, 1991).
CNDDB/ RAREFIND RECORDS: There is one general vicinity record for Valley elderberry longhorn beetle on the Riverbank quad.
HABITAT PRESENT IN STUDY AREA: Two elderberry shrubs are present in the study area. These shrubs are located along the chain link fence in the northwest portion of the project area. The largest stem on these shrubs was 0.75 inch in diameter. No stems were larger than one inch in diameter.

2. Birds

Swainson's hawk (*Buteo swainsoni*) – nesting
HABITAT AND BIOLOGY: An uncommon breeding resident and migrant in CA. Nests in open riparian habitat, in scattered trees or in small groves in sparsely vegetated flatlands. Nesting areas are usually located near water, but are occasionally found in arid regions. Typical habitat includes open desert, grassland, or cropland containing scattered, large trees or small groves (Zeiner et al. 1990a).
RANGE: The summer range of this species is the California Central Valley. California populations of this species are believed to overwinter in Mexico.
CNDDB/ RAREFIND RECORDS: Two records for Swainson's hawk nests occur on the Ceres and Riverbank quads, of which the closest is 2.1 miles southeast of the project area on the Tuolumne River. No Swainson's hawk records occur within one mile of the project study area.
NESTING/ FORAGING HABITAT PRESENT IN STUDY AREA: Three large trees within the project study area provide marginal nesting habitat for this species. These include one blue-valley oak hybrid (*Quercus lobata* x *douglasii*; 37 inch dbh), one Bishop pine (*Pinus muricata*; 36 inch dbh), and one valley oak (*Quercus lobata*; 22 inch dbh). No foraging habitat occurs within the project area. Vegetation management within the project area consists of regular plowing leaving bare soil, which reduces the suitability for sustaining small mammal prey base for Swainson's hawk.

E. Special-Status Plant Species

No habitat for state or federal-listed special-status plant species occurs within the project study area.

F. Sensitive Communities

Sensitive natural communities include rare communities, communities that are adversely affected by minimal disturbance, and communities that provide habitat for special-status plant or wildlife species. There are no sensitive communities in the project study area. The trees on-site are associated with the abandoned house and are not part of the riparian corridor.

G. Wetlands

No wetlands or other waters of the U.S. occur in the project study area.

VI. IMPACT EVALUATION AND MITIGATION MEASURES

A. Determination of Significance of Impacts

Impacts to biological resources were evaluated for significance based on legal protection; local, state, and federal agency policies; and documented resource scarcity and sensitivity.

1. State and Federal Statutes

The purpose of the Biological Resources Evaluation Report is to conduct biological studies and perform analyses and evaluations necessary to satisfy the legal requirements of State and Federal statutes. These statutes include:

- National Environmental Policy Act (42 U.S.C. 4321 et seq.).
- Federal Endangered Species Act (16 U.S.C. 1531-1543).
- Fish and Wildlife Coordination Act (16 U.S.C. 661-666).
- Executive Order 11990, Protection of Wetlands (May 24, 1977).
- California Environmental Quality Act (P.R.C. 21000 et seq.).
- California Endangered Species Act (California Fish and Game Code 2050 et seq.).
- Native Plant Protection Act (California Fish and Game Code 1900-1913).
- Sections 1601-1603 of the California Fish and Game Code that pertain to streambed alterations.
- Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-711).

2. Federal Endangered Species Act

The Federal Endangered Species Act defines 'take' (Section 9) and prohibits 'taking' of a listed endangered or threatened species (16 U.S.C. 1532, 50 CFR 17.3). If a federally listed species could be harmed by a project, a Section 7 or 10 consultation must be initiated, and an Incidental Take Permit must be obtained (16 U.S.C. 1539, 50 CFR 13).

3. Federal Migratory Bird Treaty Act

Migratory birds are protected under the federal Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR Part 10 including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). All migratory bird species are protected by the MBTA. The direct injury or death of an individual of this species, due to construction activities or any construction-related disturbance that causes nest abandonment or forced fledging of this species, would be considered a significant impact. Any removal of active nests during the breeding season or any disturbance that results in the abandonment of nestlings is considered a 'take' of the species under federal law. Impacts to migratory birds that result in a 'take' of the species would be significant.

4. California Fish and Game Code

The California Fish and Game Code defines 'take' (Section 86) and prohibits 'taking' of a species listed as threatened or endangered under the California Endangered Species Act (California Fish and Game Code Section 2080) or otherwise fully protected (as defined in California Fish and Game Code Sections 3511, 4700, and 5050).

The DFG also regulates activities that may impact streambeds or other wetland areas. Division 2, Chapter 6, Section 1601 of the Fish and Game Code states that a permit may be required for:

> "...any project which will divert, obstruct or change the natural flow or bed, channel or bank of any river, stream, or lake designated by the department in which there is at any time an existing fish or wildlife resource or from which these resources derive benefit, or will use material from the streambeds designated by the department..."

The DFG has stated that their jurisdiction is any wetland area that is within the 100-year floodplain. Completion of a Section 1601-03 Streambed Alteration Agreement with the DFG is required before any work begins that will affect wetland areas within the 100-year floodplain.

5. Other Special-Status Species Classifications

California species of special concern (CSC), species listed on California Native Plant Society lists 1B and 2 (CNPS 2001), and active raptor nests are included in this classification.

6. Significance Criteria

Short-term vegetation impacts arise from construction activities that result in the temporary removal of vegetation, alteration of habitat, creation of dust, etc. Long-term impacts result when vegetation is permanently destroyed (directly or indirectly) when land is cleared for construction, when rare or endangered species are threatened, and when the integrity of a plant community is destroyed. Short-term wildlife impacts during construction occur when physical damage, dust, and noise disrupt wildlife species, alter habitat, and displace animals. Long-term impacts occur when wildlife is destroyed or permanently displaced or when their habitat is permanently altered.

The following Significance Criteria were used for evaluating impacts on biological resources:

- Loss of the habitat, individuals, or populations of plant or wildlife species occurring on state or federal lists.
- Loss of the habitat, individuals, or populations of plants or wildlife occurring on the list of Species of Special Concern as defined by DFG.
- Loss of the habitat, individuals, or populations of species occurring on List 1B or List 2 of the California Native Plant Society Inventory (CNPS 2001).
- Loss of sensitive plant communities as defined by DFG, or other communities of recognized regional importance.
- Loss of riparian habitats.
- Loss of active raptor nest-trees.

B. Special-Status Wildlife Species

1. Valley elderberry longhorn beetle

Discussion/ Potential Impact: Two elderberry shrubs occur in the project study area. Both shrubs are multi-stemmed with all stems measuring less than one inch in diameter. The largest stem was 0.75 inch in diameter. Only elderberry shrubs with stems measuring over one inch in diameter are considered by USFWS to provide suitable habitat for the beetle. There are no elderberry stems that measure one inch or greater in the project study area. The removal of the two elderberry shrubs is not considered loss of habitat for the Valley elderberry longhorn beetle. No impact is anticipated and no mitigation is required.

2. Swainson's hawk

Discussion/ Potential Impact: The closest record of a Swainson's hawk nest is 2.1 miles from the project. No nests were observed in the project area. Two suitable nest trees, one valley oak (*Quercus lobata*; 22 inch dbh) and one Bishop pine (*Pinus muricata*; 36 inch dbh), will be removed during construction. A larger tree, a blue oak-valley oak hybrid (*Quercus lobata* x *douglasii*; 37 inch dbh) will be retained. These trees are subject to an existing level of disturbance from schoolchildren, adjacent residential areas, and human activity in nearby Legion Park. The disturbance levels create conditions unfavorable for nesting and rearing chicks.

Noise disturbance associated with construction of Orville Wright Neighborhood Park during the breeding season (i.e., 1 March to 15 September) could result in the abandonment of active Swainson's hawk nests or forced fledging of nestlings if they occur within 0.25 mile of the project area. To avoid this impact, preconstruction surveys for active nests will be conducted if construction takes place during the breeding season. With preconstruction surveys, no impact is anticipated and no other mitigation is required. If construction begins outside the breeding season, there will be no need to conduct preconstruction surveys.

Mitigation: If construction is scheduled to commence during the breeding season (i.e., 1 March to 15 September), the City of Modesto Parks, Recreation and Neighborhoods Department shall retain a qualified biologist to conduct a preconstruction survey to determine if Swainson's hawks are nesting within 0.25 mile of the project area. Preconstruction surveys will be conducted at least 2 weeks prior to construction. If no active nests are found in the study area, no further mitigation will be necessary.

If an active Swainson's hawk nest is located within 0.25 mile of the project area, the biologist will record the location(s) on a site map. The City will report the results of the nest survey to DFG via letter to determine if any additional mitigation measures need to be implemented.

3. Other raptors and migratory birds (nesting)

Discussion/ Potential Impact: Native and ornamental trees in the project area provide marginal nesting habitat for other raptors and migratory birds. Active nests (if they occur) could be disturbed as a result of noise and the removal of vegetation within the project study area. Implementation of the mitigation measures will reduce the potential for impact to these species to a less-than-significant level.

Mitigation: If construction begins outside the breeding season (1 March to 30 August), there will be no need to conduct surveys for active nests. This time frame corresponds to the breeding season of many raptors and migratory birds. If construction is scheduled to commence during the breeding season, the City of Modesto Parks, Recreation and Neighborhoods Department shall retain a qualified biologist to conduct a preconstruction survey to determine if raptors or migratory birds are nesting

within the project study area. Preconstruction surveys will be conducted at least 2 weeks prior to construction. If no active nests are found in the study area, no further mitigation will be necessary.

If active nests are located within 75 m (250 ft) of the project study area, the biologist will record the location(s) on a site map. A minimum 75 m (250 ft) Environmentally Sensitive Area (buffer) shall be established around the tree. A biologist shall delimit the buffer zone with yellow caution tape or temporary flagging. The construction contractor shall be responsible for installing stakes or temporary fencing at the edge of the buffer zone. The buffer zone shall be maintained throughout the breeding season (1 March to 30 August). No disturbance shall occur within 75 m (250 ft) of a nest tree during the breeding season. During construction, a biologist will monitor nests weekly to evaluate potential nesting disturbance caused by construction activities. The biological monitor will have the authority to stop construction if construction appears to be adversely affecting nesting raptors or migratory birds.

C. Special-Status Plant Species

No impacts to special-status plant species will occur because no habitat for them occurs within the project study area.

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VIII. PREPARERS

R. John Little, Ph.D., Botany, Claremont Graduate School, Claremont, CA. Over 20 years experience managing and conducting environmental projects involving impact assessment and preparation of numerous NEPA/CEQA compliance documents, Biological Assessments, and Caltrans Natural Environmental Studies. Experience includes conducting special-status plant and wildlife species surveys, jurisdictional wetland delineations, general biological surveys, permitting and biological report preparation.
Responsibilities: Project Manager and senior technical lead; document preparation.

Jeffery Little, A.A., Sacramento City College, Sacramento, CA. Over eight years of experience with preparation of NES, BA, and NEPA/CEQA compliance documents, impact analysis, consultation, permitting, and project management. Conducts special-status species surveys, jurisdictional delineations, and prepares mitigation and monitoring plans. Conducts GPS mapping and surveying, and AutoCAD and ArcView/GIS map creation and analysis.
Responsibilities: Conducted field survey, document preparation.

Jason Lowe, M.A., Biology, Humboldt State University, Arcata, CA. Three years of experience with special-status wildlife regulatory framework and management, and over nine seasons of experience with special-status wildlife surveys and field work. Conducts species surveys and prepares biological reports and environmental documents.
Responsibilities: Conducted field survey; document preparation.

David M. Osborne, B.S., Entomology, The Ohio State University, Columbus, OH. Assists with biological surveys, report preparation, and conducts CNDDB/ RareFind searches. Conducts GPS mapping and AutoCAD and ArcView/GIS map creation.
Responsibilities: Conducted CNDDB search, map production.

Cynthia Little, Principal, Sycamore Environmental.
Responsibilities: Senior editor, quality control.

APPENDIX A.

USFWS LETTER
DATED 9 NOVEMBER 2001

ORVILLE WRIGHT NEIGHBORHOOD PARK
CITY OF MODESTO, CA

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W2605
Sacramento, California 95825

IN REPLY REFER TO:
1-1-01-SP-3195

November 9, 2001

Jason Lowe
Sycamore Environmental
fax (916) 427-2175

Subject: Species List for the Orville Wright Neighborhood Park, Ceres, California

Dear Mr. Lowe,

We are sending the enclosed list in response to your September 7, 2001, request for information about endangered and threatened species (Enclosure A). The list covers the U.S. Geological Survey Ceres 7½ minute quad.

Please read *Important Information About Your Species List* (enclosed). It explains how we made the list and describes your responsibilities under the Endangered Species Act. Please contact Harry Mossman, Biological Technician, at (916) 414-6674, if you have any questions about the attached list or your responsibilities under the Endangered Species Act. For the fastest response to species list requests, address them to the attention of Mr. Mossman at this address. You may fax requests to him at 414-6710 or email them to harry_mossman@fws.gov.

Sincerely,

Harry Mossman
for
Jan Knight
Chief, Endangered Species Division

Enclosures

ENCLOSURE A

Endangered and Threatened Species that May Occur in
or be Affected by Projects in the Selected Quads Listed Below
Reference File No. 1-1-01-SP-3195
Orville Wright Neighborhood Park
November 9, 2001

QUAD : 442C CERES

Listed Species

Mammals

riparian (San Joaquin Valley) woodrat, *Neotoma fuscipes riparia* (E) *

riparian brush rabbit, *Sylvilagus bachmani riparius* (E) *

Birds

bald eagle, *Haliaeetus leucocephalus* (T)

Reptiles

giant garter snake, *Thamnophis gigas* (T)

Amphibians

California red-legged frog, *Rana aurora draytonii* (T)

Fish

delta smelt, *Hypomesus transpacificus* (T)

Central Valley steelhead, *Oncorhynchus mykiss* (T)

winter-run chinook salmon, *Oncorhynchus tshawytscha* (E)

Central Valley spring-run chinook salmon, *Oncorhynchus tshawytscha* (T)

Sacramento splittail, *Pogonichthys macrolepidotus* (T)

Invertebrates

vernal pool fairy shrimp, *Branchinecta lynchi* (T)

valley elderberry longhorn beetle, *Desmocerus californicus dimorphus* (T)

vernal pool tadpole shrimp, *Lepidurus packardi* (E)

Proposed Species

Birds

mountain plover, *Charadrius montanus* (PT)

Candidate Species

Amphibians

California tiger salamander, *Ambystoma californiense* (C)

Fish

Central Valley fall/late fall-run chinook salmon, *Oncorhynchus tshawytscha* (C)

Species of Concern

Mammals

Pacific western big-eared bat, *Corynorhinus (=Plecotus) townsendii townsendii* (SC)

Merced kangaroo rat, *Dipodomys heermanni dixoni* (SC)

greater western mastiff-bat, *Eumops perotis californicus* (SC)

small-footed myotis bat, *Myotis ciliolabrum* (SC)

long-legged myotis bat, *Myotis volans* (SC)

Yuma myotis bat, *Myotis yumanensis* (SC)

San Joaquin pocket mouse, *Perognathus inornatus* (SC)

Birds

tricolored blackbird, *Agelaius tricolor* (SC)

grasshopper sparrow, *Ammodramus savannarum* (SC)

short-eared owl, *Asio flammeus* (SC)

western burrowing owl, *Athene cunicularia hypugaea* (SC)

Aleutian Canada goose, *Branta canadensis leucopareia* (D)

Swainson's hawk, *Buteo Swainsoni* (CA)

ferruginous hawk, *Buteo regalis* (SC)

Costa's hummingbird, *Calypte costae* (SC)

Lawrence's goldfinch, *Carduelis lawrencei* (SC)

Vaux's swift, *Chaetura vauxi* (SC)

black tern, *Chlidonias niger* (SC)

white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)

little willow flycatcher, *Empidonax traillii brewsteri* (CA)

American peregrine falcon, *Falco peregrinus anatum* (D)

greater sandhill crane, *Grus canadensis tabida* (CA)

loggerhead shrike, *Lanius ludovicianus* (SC)

Lewis' woodpecker, *Melanerpes lewis* (SC)

long-billed curlew, *Numenius americanus* (SC)

white-faced ibis, *Plegadis chihi* (SC)

rufous hummingbird, *Selasphorus rufus* (SC)

Reptiles

silvery legless lizard, *Anniella pulchra pulchra* (SC)

northwestern pond turtle, *Clemmys marmorata marmorata* (SC)

southwestern pond turtle, *Clemmys marmorata pallida* (SC)

California horned lizard, *Phrynosoma coronatum frontale* (SC)

Amphibians

western spadefoot toad, *Scaphiopus hammondii* (SC)

Fish

green sturgeon, *Acipenser medirostris* (SC)

river lamprey, *Lampetra ayresi* (SC)

Kern brook lamprey, *Lampetra hubbsi* (SC)

Pacific lamprey, *Lampetra tridentata* (SC)

longfin smelt, *Spirinchus thaleichthys* (SC)

Invertebrates

Midvalley fairy shrimp, *Branchinecta mesovallensis* (SC)

California linderiella fairy shrimp, *Linderiella occidentalis* (SC)

moestan blister beetle, *Lytta moesta* (SC)

molestan blister beetle, *Lytta molesta* (SC)

KEY:

(E)	*Endangered*	Listed (in the Federal Register) as being in danger of extinction.
(T)	*Threatened*	Listed as likely to become endangered within the foreseeable future.
(P)	*Proposed*	Officially proposed (in the Federal Register) for listing as endangered or threatened.
(PX)	*Proposed Critical Habitat*	Proposed as an area essential to the conservation of the species.
(C)	*Candidate*	Candidate to become a *proposed* species.
(SC)	*Species of Concern*	May be endangered or threatened. Not enough biological information has been gathered to support listing at this time.
(MB)	*Migratory Bird*	Migratory bird
(D)	*Delisted*	Delisted. Status to be monitored for 5 years.
(CA)	*State-Listed*	Listed as threatened or endangered by the State of California.
(*)	*Extirpated*	Possibly extirpated from this quad.
(**)	*Extinct*	Possibly extinct.
	Critical Habitat	Area essential to the conservation of a species.

Endangered and Threatened Species that May Occur in or be Affected by
PROJECTS IN STANISLAUS COUNTY
Reference File No. 1-1-01-SP-3195
November 9, 2001

Listed Species

Mammals

San Joaquin kit fox, *Vulpes macrotis mutica* (E)

riparian (San Joaquin Valley) woodrat, *Neotoma fuscipes riparia* (E) *

riparian brush rabbit, *Sylvilagus bachmani riparius* (E) *

Birds

bald eagle, *Haliaeetus leucocephalus* (T)

Reptiles

giant garter snake, *Thamnophis gigas* (T)

Amphibians

California red-legged frog, *Rana aurora draytonii* (T)

Fish

delta smelt, *Hypomesus transpacificus* (T)

Central Valley steelhead, *Oncorhynchus mykiss* (T)

Critical habitat, Central Valley steelhead, *Oncorhynchus mykiss* (T)

Sacramento splittail, *Pogonichthys macrolepidotus* (T)

Invertebrates

Conservancy fairy shrimp, *Branchinecta conservatio* (E)

longhorn fairy shrimp, *Branchinecta longiantenna* (E)

vernal pool tadpole shrimp, *Lepidurus packardi* (E)

vernal pool fairy shrimp, *Branchinecta lynchi* (T)

valley elderberry longhorn beetle, *Desmocerus californicus dimorphus* (T)

Plants

hairy Orcutt grass, *Orcuttia pilosa* (E)

Hartweg's golden sunburst, *Pseudobahia bahiifolia* (E)

fleshy owl's-clover, *Castilleja campestris ssp. succulenta* (T)

Hoover's spurge, *Chamaesyce hooveri* (T)

Colusa grass, *Neostapfia colusana* (T)

Greene's tuctoria, *Tuctoria greenei* (E) *

San Joaquin Valley Orcutt grass, *Orcuttia inaequalis* (T) *

Proposed Species

Birds

mountain plover, *Charadrius montanus* (PT)

Candidate Species

Birds

Western yellow-billed cuckoo, *Coccyzus americanus occidentalis* (C) *

Amphibians

California tiger salamander, *Ambystoma californiense* (C)

Fish

Central Valley fall/late fall-run chinook salmon, *Oncorhynchus tshawytscha* (C)

Critical habitat, Central Valley fall/late fall-run chinook, *Oncorhynchus tshawytscha* (C)

Species of Concern

Mammals

Pacific western big-eared bat, *Corynorhinus (=Plecotus) townsendii townsendii* (SC)

Merced kangaroo rat, *Dipodomys heermanni dixoni* (SC)

greater western mastiff-bat, *Eumops perotis californicus* (SC)

small-footed myotis bat, *Myotis ciliolabrum* (SC)

long-eared myotis bat, *Myotis evotis* (SC)

fringed myotis bat, *Myotis thysanodes* (SC)

long-legged myotis bat, *Myotis volans* (SC)

Yuma myotis bat, *Myotis yumanensis* (SC)

San Joaquin pocket mouse, *Perognathus inornatus* (SC)

Birds

Swainson's hawk, *Buteo Swainsoni* (CA)

little willow flycatcher, *Empidonax traillii brewsteri* (CA)

greater sandhill crane, *Grus canadensis tabida* (CA)

bank swallow, *Riparia riparia* (CA)

Aleutian Canada goose, *Branta canadensis leucopareia* (D)

American peregrine falcon, *Falco peregrinus anatum* (D)

Snowy Egret, *Egretta thula* (MB)

tricolored blackbird, *Agelaius tricolor* (SC)

grasshopper sparrow, *Ammodramus savannarum* (SC)

Bell's sage sparrow, *Amphispiza belli belli* (SC)

short-eared owl, *Asio flammeus* (SC)

western burrowing owl, *Athene cunicularia hypugaea* (SC)

American bittern, *Botaurus lentiginosus* (SC)

ferruginous hawk, *Buteo regalis* (SC)
Costa's hummingbird, *Calypte costae* (SC)
Lawrence's goldfinch, *Carduelis lawrencei* (SC)
Vaux's swift, *Chaetura vauxi* (SC)
black tern, *Chlidonias niger* (SC)
olive-sided flycatcher, *Contopus cooperi* (SC)
white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)
common loon, *Gavia immer* (SC)
least bittern, western, *Ixobrychus exilis hesperis* (SC)
loggerhead shrike, *Lanius ludovicianus* (SC)
Lewis' woodpecker, *Melanerpes lewis* (SC)
long-billed curlew, *Numenius americanus* (SC)
white-faced ibis, *Plegadis chihi* (SC)
rufous hummingbird, *Selasphorus rufus* (SC)
California thrasher, *Toxostoma redivivum* (SC)

Reptiles

silvery legless lizard, *Anniella pulchra pulchra* (SC)
northwestern pond turtle, *Clemmys marmorata marmorata* (SC)
southwestern pond turtle, *Clemmys marmorata pallida* (SC)
San Joaquin coachwhip (=whipsnake), *Masticophis flagellum ruddocki* (SC)
California horned lizard, *Phrynosoma coronatum frontale* (SC)

Amphibians

foothill yellow-legged frog, *Rana boylii* (SC)
western spadefoot toad, *Scaphiopus hammondii* (SC)

Fish

green sturgeon, *Acipenser medirostris* (SC)
river lamprey, *Lampetra ayresi* (SC)
Kern brook lamprey, *Lampetra hubbsi* (SC)
Pacific lamprey, *Lampetra tridentata* (SC)
longfin smelt, *Spirinchus thaleichthys* (SC)

Invertebrates

Sacramento anthicid beetle, *Anthicus sacramento* (SC)
Midvalley fairy shrimp, *Branchinecta mesovallensis* (SC)
California linderiella fairy shrimp, *Linderiella occidentalis* (SC)
moestan blister beetle, *Lytta moesta* (SC)
molestan blister beetle, *Lytta molesta* (SC)

Plants

Sharsmith's onion, *Allium sharsmithae* (SC)
vernal pool saltbush, *Atriplex persistens* (SC)
Hoover's rosinweed, *Calycadenia hooveri* (SC)
Mt. Hamilton harebell, *Campanula sharsmithiae* (SC)
Mt. Hamilton thistle, *Cirsium fontinale var. campylon* (SC)
beaked clarkia, *Clarkia rostrata* (SC)
Mt. Hamilton coreopsis, *Coreopsis hamiltonii* (SC)
spiny-sepaled coyote-thistle, *Eryngium spinosepalum* (SC)
talus fritillary, *Fritillaria falcata* (SC)
red-flowered lotus, *Lotus rubriflorus* (SC)
little mousetail, *Myosurus minimus ssp. apus* (SC)
Mt. Diablo phacelia, *Phacelia phacelioides* (SC)
delta coyote-thistle (=button-celery), *Eryngium racemosum* (CA) *
alkali milk-vetch, *Astragalus tener var. tener* (SC) *
heartscale, *Atriplex cordulata* (SC) *
brittlescale, *Atriplex depressa* (SC) *
Big plant, *Blepharizonia plumosa ssp. plumosa* (SC) *
diamond-petaled poppy, *Eschscholzia rhombipetala* (SC) *
legenere, *Legenere limosa* (SC) *
Merced monardella, *Monardella leucocephala* (SC) **

APPENDIX B.

CALIFORNIA NATURAL DIVERSITY DATA BASE (CNDDB)
RAREFIND SUMMARY REPORT FOR CERES AND RIVERBANK QUADS

ORVILLE WRIGHT NEIGHBORHOOD PARK
CITY OF MODESTO, CA

Summary of RareFind Occurrences By Quad: Ceres

No.	Scientific Name	Common Name	Total Unique Occurrences	Fed/State/CNPS
1)	BUTEO SWAINSONI (NESTING)	SWAINSON'S HAWK	1	--/T/--
2)	AGELAIUS TRICOLOR (NESTING COLONY)	TRICOLORED BLACKBIRD	1	--/SC/--
3)	DESMOCERUS CALIFORNICUS DIMORPHUS	VALLEY ELDERBERRY LONGHORN BEETLE	2	T/--/--

4 Occurences for
3 Unique Species/ Communities

*Fed/State: E=Endangered, T=Threatened, P=Proposed, SC=Species of Concern, -- = None
CNPS:1B=Plants rare, threatened, or endangered in California and elsewhere
CNPS:2=Plants rare, threatened, or endangered in California, but more common elsewhere

Summary of RareFind Occurrences By Quad: Riverbank

No.	Scientific Name	Common Name	Total Unique Occurrences	Fed/State/CNPS
1)	BUTEO SWAINSONI (NESTING)	SWAINSON'S HAWK	1	--/T/--
2)	ATHENE CUNICULARIA (BURROW SITES)	BURROWING OWL	1	--/SC/--
3)	LEPIDURUS PACKARDI	VERNAL POOL TADPOLE SHRIMP	1	E/--/--
4)	DESMOCERUS CALIFORNICUS DIMORPHUS	VALLEY ELDERBERRY LONGHORN BEETLE	2	T/--/--

5 Occurences for
4 Unique Species/ Communities

*Fed/State: E=Endangered, T=Threatened, P=Proposed, SC=Species of Concern, -- = None
CNPS:1B=Plants rare, threatened, or endangered in California and elsewhere
CNPS:2=Plants rare, threatened, or endangered in California, but more common elsewhere

APPENDIX C.

PLANT AND WILDLIFE SPECIES OBSERVED

ORVILLE WRIGHT NEIGHBORHOOD PARK
CITY OF MODESTO, CA

PLANT SPECIES OBSERVED.

FAMILY	SCIENTIFIC NAME	COMMON NAME	N/I *
DICOTS			
Amaranthaceae	*Amaranthus* sp.	Pigweed	--
Asteraceae	*Helianthus annuus*	Annual sunflower	N
Caprifoliaceae	*Sambucus mexicana*	Blue elderberry	N
Chenopodiaceae	*Salsola tragus*	Russian thistle	I
Fabaceae	*Albizia julibrissin*	Silk tree	I
Fagaceae	*Quercus douglasii*	Blue oak	
	Quercus lobata	Valley oak	N
	Quercus lobata x *douglasii*		N
	Quercus suber	Cork oak	I
	Quercus wislizenii	Interior live oak	N
Juglandaceae	*Juglans californica* var. *hindsii*	N. California black walnut	N
Lauraceae	*Umbellularia californica*	California bay	N
Oleaceae	*Fraxinus dipetala*	California ash	N
Pinaceae	*Pinus muricata*	Bishop pine	N
Punicaceae	*Punica granatum*	Pomegranate	I
Rosaceae	*Prunus* spp.		I
Salicaceae	*Salix* sp.	Willow	N
Simaroubaceae	*Ailanthus altissima*	Tree-of-heaven	I
Ulmaceae	*Ulmus* sp.	Elm	I
Vitaceae	*Vitis vinifera*	Cultivated grape	I
MONOCOTS			
Poaceae	*Avena* sp.	Oat	--
	Bromus diandrus	Ripgut grass	I
	Cynodon dactylon	Bermuda grass	I
	Hordeum jubatum	Foxtail barley	N

* N = Native to CA; I = Introduced

WILDLIFE SPECIES OBSERVED.

COMMON NAME	SCIENTIFIC NAME
Birds	
Mourning dove	*Senoia macroura*
Scrub jay	*Aphelocoma coerulescens*

APPENDIX D.

PHOTOGRAPHS OF THE PROJECT STUDY AREA

ORVILLE WRIGHT NEIGHBORHOOD PARK
CITY OF MODESTO, CA

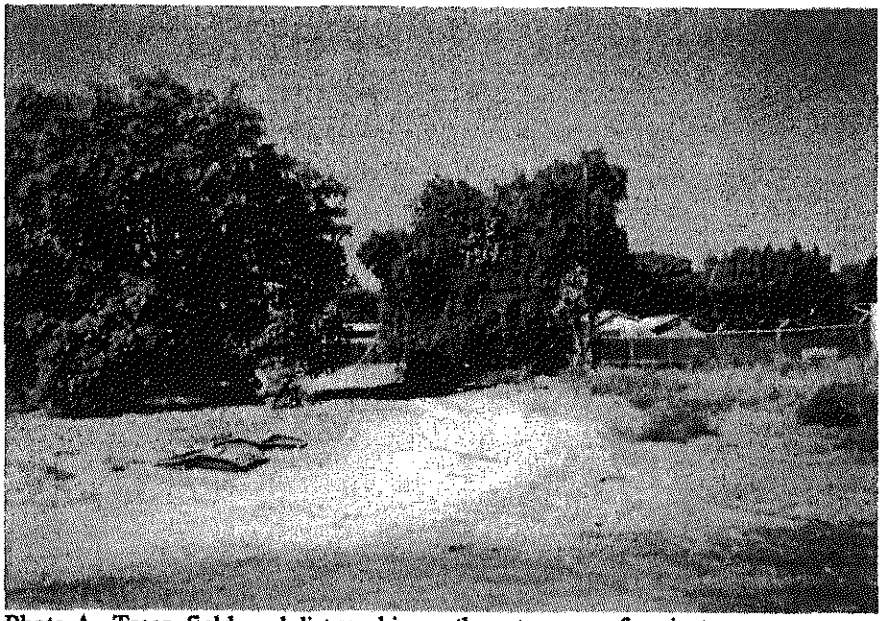

Photo A. Trees, field, and dirt road in northwest corner of project area.

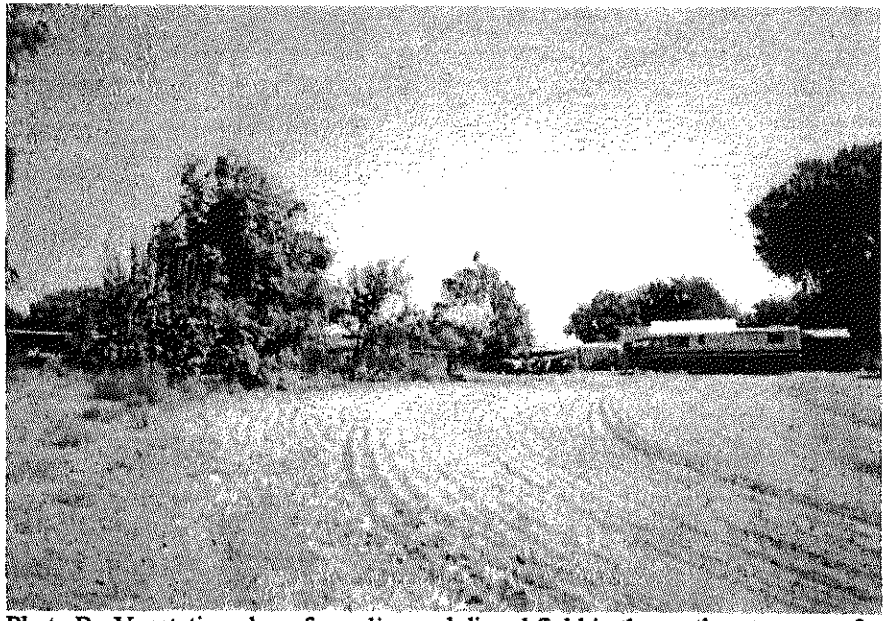

Photo B. Vegetation along fence line and disced field in the northeast corner of project area.

Photo C. View of oak tree near center of project study area that will be preserved by City of Modesto.

Photo D. View east along southern boundary (yellow line) of project study area.

EXHIBIT "C"

CULTURAL RESOURCES ASSESSMENT FOR ORVILLE WRIGHT NEIGHBOHOOD PARK

Peak & Associates, Inc.
October 23, 2001

CULTURAL RESOURCES ASSESSMENT OF THE PROPOSED ORVILLE WRIGHT CITY PARK, MODESTO, STANISLAUS COUNTY, CALIFORNIA

Prepared for:

Sycamore Environmental Consultants, Inc.
6355 Riverside Boulevard, Suite C
Sacramento, CA 95831

Prepared by:

Peak & Associates, Inc.
3941 Park Drive, Suite 20-329
El Dorado Hills, CA 95762

October 23, 2001
(Job # 01-094)

MAP: Riverbank and Ceres 7.5'
AREA: ±6.1 acres
RESULTS negative

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INTRODUCTION

The City of Modesto Parks, Recreation and Neighborhoods Department, proposes construction of Orville Wright Park, a 3.8-acre neighborhood park within the Airport Neighborhood.. The park development will include grading; paving; the installation of underground utilities, irrigation, a security phone and security lighting; construction of game courts, aathletic fields, a water play area, family picnic units, a children's play area with play apparatus, park furniture, a shade structure, a skate area, and a restroom utility building; and landscaping. The total area that will be involved in construction will be 6.1 acres.

In project area is in the south area of Modesto, north of Hillside Drive, south of Monterey Avenue, and just west of Empire Avenue, adjacent to and including portions of Orville Wright Elementary School. (APN #'s: 035-48-15, 035-48-16, and portions of 035-48-01 and 035-53-04). The project area is in the southwest quarter of Section 34, T3S, R9E, and is mapped on the Riverbank and Ceres 7.5' USGS topographic sheets (Map 1).

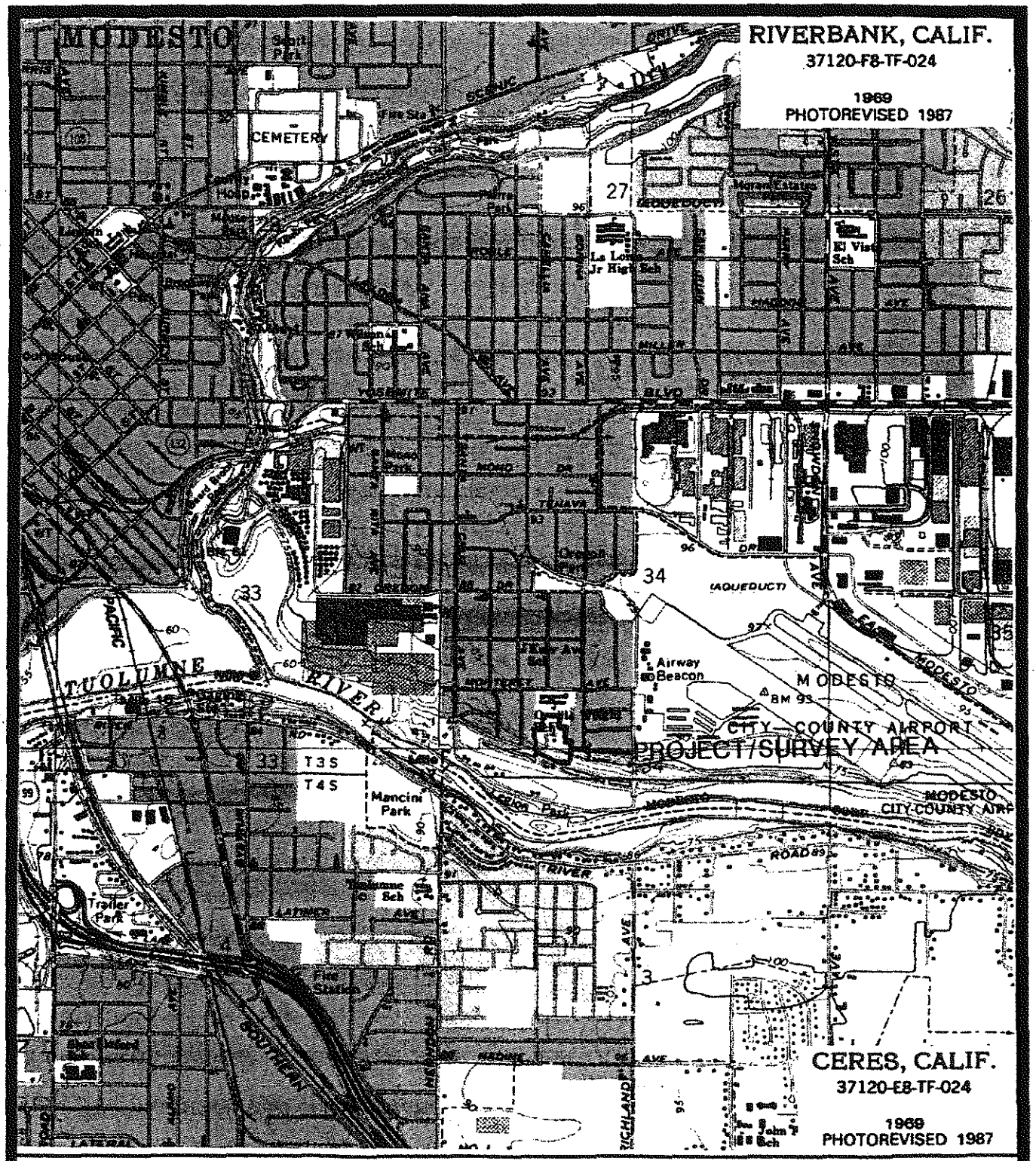
CULTURAL HISTORY

Archeology

The Central Valley region was among the first in the state to attract intensive archeological fieldwork, and research has continued to the present day. This has resulted in a substantial accumulation of data. In the early decades of the 1900s, E.J. Dawson explored numerous sites near Stockton and Lodi, later collaborating with W.E. Schenck (Schenck and Dawson 1929). By 1933, the focus of work was directed to the Cosumnes locality, where survey and excavation were conducted by the Sacramento Junior College (Lillard and Purves 1936). Excavation data, in particular from the stratified Windmiller site (CA-Sac-107), suggested two temporally distinct cultural traditions. Later work at other mounds by Sacramento Junior College and the University of California, Berkeley, enabled the investigators to identify a third cultural tradition, intermediate between the previously postulated Early and Late Horizons. The three-horizon sequence, based on discrete changes in ornamental artifacts and mortuary practices, as well as on observed differences in soils within sites (Lillard, Heizer and Fenenga 1939), was later refined by Beardsley (1954). An expanded definition of artifacts diagnostic of each time period was developed, and its application extended to parts of the central California coast. Traits held in common allow the application of this system within certain limits of time and space to other areas of prehistoric central California.

The Windmiller Culture (Early Horizon) is characterized by burials where the corpse is arranged lying on the back with limbs straight and arms at the side (ventral extension) with westerly orientation of heads. Some dorsal extensions (as above, except face down) are known. A high percentage of the burials include grave goods and red ochre is often placed in the graves. Other characteristics of Windmiller Culture are large projectile points, of which 60 percent are of materials other than obsidian; rectangular *Haliotis* beads; *Olivella* shell beads (specifically small spire-lopped olive shells and rectangular beads with large central perforation); rare use of bone; some use of baked clay objects; and well-fashioned charmstones, usually perforated.

The Cosumnes Culture (Middle Horizon) displays considerable changes from the preceding cultural expression. The burial mode is predominately flexed (arms crossed tightly



SCALE 1:24 000

1 0 1 MILE

1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

1 .5 0 1 KILOMETER

CONTOUR INTERVAL 5 FEET

QUADRANGLE LOCATION

BASE MAP IS MAPPED EDITED AND PUBLISHED BY THE U. S GEOLOGICAL SURVEY

★ 15.5°

TRUE NORTH

MAG. NORTH

MAP 1

over the chest with legs drawn up against the chest) with variable cardinal orientation and some cremations present. There is a lower percentage of burials with grave goods, and ochre staining is common in graves. *Olivella* beads are common with saucer-shapec, split-drilled and "saddle-shaped" beads predominant. There is abundant use of green abalone for ornaments rather than red, which is more common in the preceding phase. Other characteristic artifacts include perforated canid teeth; asymmetrical and "fishtail" charmstones, usually unperforated; cobble mortars and evidence of wooden mortars; extensive sue of bone for tools and ornaments; large projectile points, with considerable use of rock other than obsidian; and use of baked clay.

Hotchkiss Culture (Late Horizon) -- The burial pattern retains the use of the flexed mode, and there is wide spread evidence of cremation, lesser use of red ochre, heavy sue of baked clay, rectangular *Olivella* beads with small central perforation, "cupped" *Olivella* beads, extensive use of *Haliotis* ornaments of many elaborate shapes and forms, shaped mortars and cylindrical pestles, bird-bone tubes with elaborate geometric designs, clam shell disc beads, small projectile points indicative of the introduction of the bow and arrow, flanged tubular pipes of steatite and schist, and use of magnesite. (The above adapted from Moratto 1984:181-183.) The characteristics noted are not all-inclusive, but cover the more important traits.

Schulz (1981), in an extensive examination of the central California evidence for the sue of acorns, used the terms Early, Middle and Late Complexes, but the traits attributed to them remain generally the same. While it is not altogether clear, Schulz seemingly uses the term "Complex" to refer to the particular archeological entities (above called "Horizons") as defined in this region. Ragir's (1972) cultures are the same as Schulz's complexes.

Bennyhoff and Hughes (1984) have presented alternative dating schemes for the Central California Archeological Sequence. The primary emphasis is a more elaborate division of the horizons to reflect what is seen as cultural/temporal changes within the three horizons and a compression of the temporal span.

There have been other chronologies proposed, including Fredrickson (1973), and since it is correlated with Bennyhoff's (1977) work, it merits discussion. The particular archeological cultural entities Fredrickson has defined, based upon the work of Bennyhoff, are patterns, phases and aspects. Bennyhoff's (1977) work in the plains Miwok area is the best definition of the Cosumnes District, which likely conforms to Fredrickson's pattern. Fredrickson also proposed periods of time associated heavily with economic modes, which provides a temporal term for comparing contemporary cultural entities. It corresponds with Willey and Phillips' (1958) earlier "tradition," although it is tied more specifically to the archeological record in California.

PERIOD AND DATING

Fredrickson	Bennyhoff, Heizer and Schulz
	Historic, post-A.D. 1850
Emergent Period -- A.D. 500 to 1800	Phase 2, Late Horizon -- A.D. 1500 to 1850
Upper Archaic -- 1000 B.C. to A.D. 500	Phase 1, Late Horizon -- A.D. 500 to 1500
Middle Archaic -- 3000 to 1000 B.C.	Middle Horizon -- 1000 B.C. to A.D. 500
Paleo Indian -- 10,000 to 6000 B.C.	
Early Lithic 10,000 B.C. to?	
(Fredrickson 1973)	(Bennyhoff and Heizer 1958; Schulz 1981)

Ethnology

The project area lies within the ethnographic territory of the Yokuts people. The Yokuts were members of the Penutian language family which held all of the Central Valley, San Francisco Bay Area, and the Pacific Coast from Marin County to near Point Sur. The Yokuts differed from other ethnographic groups in California as they had true tribal divisions with group names (Kroeber 1925). Each tribe spoke a particular dialect, common to its members, but similar enough to other Yokuts that they were mutually intelligible (Kroeber 1925).

The Yokuts held portions of the San Joaquin Valley from the Tehachapis in the south to Stockton in the north. On the north they were bordered by the Plains Miwok, on the west by the Saclan or Bay Miwok and Costonoan peoples. Although neighbors were often from distinct language families, differences between the people appear to have been more influenced by environmental factors as opposed to linguistic affinities. Thus the Plains Miwok were more similar to the nearby Yokuts than to foothill members of their own language group. Similarities in cultural inventory co-varied with distance from other groups and proximity to culturally diverse people. The material culture of the southern San Joaquin Yokuts was therefore more closely related to that of their non-Yokuts neighbors than to that of Delta members of their own language group.

Trade was well developed, with mutually beneficial interchange of needed or desired goods. Obsidian, rare in the San Joaquin Valley, was obtained by trade with Paiute and Shoshoni groups on the eastern side of the Sierra Nevada, where numerous sources of this material are located, and to some extent from the Napa Valley to the north. Shell beads, obtained by the Yokuts from coastal people, and acorns, rare in the Great Basin, were among many items exported to the east by Yokuts traders (Davis 1961).

Economic subsistence was based on the acorn, with substantial dependency on gathering and processing of wild seeds and other vegetable foods. The rivers, streams, and sloughs which formed a maze within the valley provided abundant food resources such as fish, shellfish, and turtles. Game, wild fowl, and small mammals were trapped and hunted to augment protein in the diet. In general, the eastern portion of the San Joaquin Valley provided a lush environment of varied food resources, with the estimated large population centers reflecting this abundance (Cook 1955; Baumhoff 1963).

Settlements were oriented along the water ways, with their village sites normally placed adjacent to these features for their nearby water and food resources. House structures varied in size and shape (Latta 1949; Kroeber 1925), with most constructed from the readily available tules found in the extensive marshes of the low-lying valley areas. Housepit depressions ranged in diameter from 3 to 18 meters.

The Yokuts living in the Modesto vicinity at the time of contact with the Spanish were members of the Lakisamne tribelet. Under various spellings, references to this tribelet are common in early traveler's accounts and mission records (Wallace 1978:470).

History

In general outline, the history of Modesto is easily told. It began as a railroad terminus, became a major transhipping point for agricultural produce, and continued in that role to the present. Though there are now many more economic activities in the town, its major role is still the commercial center supporting surrounding agricultural interests.

The Central Pacific tracks reached the area in 1870 and for two years were not extended any farther south. Almost of necessity, the terminus began to turn into a town. Soon after, the community was selected as the county seat of Stanislaus County, even though accommodations were still embarrassingly few. The county offices were located in boarding houses, the back rooms of shops and similar improvised quarters (Hoover *et al.* 1990: 491).

The name of the town, which means "modesty" in Spanish, results from the railroad's practice of naming stations to honor members of the board of directors and their families. The railroad was going to name the town "Ralston" after San Francisco banker William C. Ralston, but he declined the honor. His modesty, so uncharacteristic of the *laissez faire* capitalists of the day, was commemorated instead.

The master EIR for the Modesto Urban Area General Plan, published in 1995, indicates that there are five properties listed on the National Register of Historic Places (NRHP) in the urban area, and 452 properties that were potentially eligible for listing as City of Modesto Landmark Preservation Sites. The latter listing was based primarily on age without considering whether the structures met other criteria. Later evaluation determined that many of these were not eligible for the NRHP (see Information Center Record Search below.)

The project area is within the former flood plain of the Tuolumne River, where permanent structures were not located in early history, and at the far southern edge of the Airport neighborhood, which was a relatively late development area. No structures in the immediate vicinity of the project area are on a register of historic properties. The 1914 USGS map of the area indicates very few structures east of Dry Creek. and these were clustered along Yosemite Avenue and the electric railway that paralleled it at the time. The only house anywhere near the project area was located on the bluff just north of the modern school.

INFORMATION CENTER RECORD SEARCH

Background research was conducted to assemble a cultural history so that the importance of any identified resources could be evaluated in a regional context. This research included a record search by the Central California Information Center of the California Historical Resources Information System to identify previously recorded sites and previous cultural resources studies in and near the project area (Appendix 1).

The Information Center noted that no formal survey work for identification of all cultural resources has been reported in the project vicinity. The survey for older structures, noted above, has been active in the area. Several residences in excess of fifty years old have been identified in the vicinity, all north of the existing Orville Wright School, and all have been evaluated as "not eligible for the National Register" as listed on the state Historic Property Data File. Two properties near the project area that were fairly old but not listed on the Historic Property Data File were recently evaluated as a result of HUD rehabilitation projects. They were also evaluated as not eligible.

No archeological sites have been recorded in or within a quarter mile of the project area.

The Information Center search included examination of the latest listings of the National Register of Historic Places, the California Inventory of Historic Resources (Resources Agency 1976), and other listings maintained by the Office of Historic Preservation as well as published

sources (Appendix 1). Historic maps of the project vicinity were also consulted, with negative results.

FIELD INSPECTION

A field inspection of the project area was conducted by Robert Gerry of Peak & Associates, Inc. (resumè, Appendix 2) on September 29, 2001. The project area was examined by walking transects spaced at 15 meter intervals across the property. No evidence of archeological sites was observed.

The northern portion of the proposed park, within APN 035-48-01, is now part of the playground for Orville Wright Elementary School. This has been leveled and landscaped. The short grass was not a major impediment to ground visibility. APN 035-48-16, on the southwest and APN 035-53-04, on the south and southeast, were disced to a powdery texture just prior to the survey. This resulted in complete disturbance of the ground surface, but visibility was certainly excellent. The central portion of the proposed park, within APN 035-48-15 is currently occupied by an abandoned residence.

The residence must have been quite unusual at one time. At the present, it has been abandoned for some time, extensively vandalized and partially burned. The main mass of the house is a two story end-gabled structure with an entry on the west side. A one story addition extends to the north and the roof forms a cross gable with the main roof. There are several small extensions added on to this "L" configuration, making a very complex outline for the structure. There are Craftsman elements to the styling, such as exposed rafter ends and dropped siding, but the eaves are too shallow to fit the style and the very steep pitch of most of the roofs is more reminiscent of Tudor. To further complicate matters, the small entry porch has a rounded arch entry, repeated in side windows, that does not fit with any of the above.

There appears to have been several outbuildings associated with the property and located to the north, but these were burned to the ground. This fire apparently extended to much of the north side of the house as well. A concrete swimming pool, heavily vandalized, also is on the north side. Immediately south of the house there was a water garden or some kind of landscaping feature that employed a rather deep excavation that is still visible. Access was from Thrasher Avenue, a lightly paved road off of Hillside Drive that appears to have served only this structure.

CONCLUSIONS

Although the structure in the project area is unusual, it does not appear to be particularly old, the idiosyncratic architecture certainly does not reflect a recognized style, and it is in very poor condition. This property is not eligible for the NRHP or the State Register of Historic Places.

RECOMMENDATIONS

There is no indication that a subsurface cultural deposit in the project area is likely to exist, or have survived the intensive agricultural use of the area. However, the possibility cannot be totally eliminated based on surface inspection alone. The project area is within the former flood plain of the Tuolumne River, so deep deposits of flood silts are a possibility and the potential for a buried resource cannot be entirely discounted. We recommend that if artifacts, exotic rock types or unusual amounts of bone, or shell are uncovered during construction activities, a qualified archeologist should be consulted for on-the-spot evaluation. Excavation should cease in the area of the find until the evaluation is completed. If bone is uncovered that could be human, state law requires that the County Corner must be contacted. If the coroner determines that the bone is likely to be Native American in origin, then the Native American Heritage Commission must also be contacted.

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APPENDIX 1

Information Center Communication

CENTRAL CALIFORNIA INFORMATION CENTER
California Historical Resources Information System
Department of Anthropology - California State University, Stanislaus
801 W. Monte Vista Avenue, Turlock, California 95382
(209) 667-3307 - FAX (209) 667-3324

Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus & Tuolumne Counties

Date: 9/19/2001

Melinda Peak, President
Peak & Associates, Inc.
3941 Park Drive, Suite 20, #329
El Dorado Hills, CA 95762

CCIC File #: 4371 N
Project: Orville Wright
Neighborhood Park

Dear Ms. Peak,

We have conducted a records search as per your request for the above-referenced project area located on the Riverbank and Ceres USGS 7.5-minute quadrangle maps in Stanislaus County.

Search of our files includes review of our maps for the specific project area and a one-quarter-mile radius of the project area (as specified by the client), and review of the National Register of Historic Places, the California Register of Historical Resources, the California Inventory of Historic Resources (1976), the California Historical Landmarks (1996), and the California Points of Historical Interest listing (May 1992 and updates), the Historic Property Data File (Office of Historic Preservation current computer list), the Survey of Surveys (1989), GLO Plats, and other pertinent historic data available at the CCIC for each specific county.

The following details the results of the records search:

Prehistoric or Historic Resources Within the Project Area:

None have been reported to the Information Center.

A check of the current edition (dated 6/25/2001) of the *Historic Property Data File* revealed no listings for the project area, although there are listings for adjacent streets (see below).

The GLO Plat maps for T3S/R9E and T4S/R9E (sheet #'s unknown, both dated 1853-1854 and certified in 1907) showed no historic references for section 34. The Tuolumne River is shown. Copies of portions of maps attached.

Prehistoric or Historic Resources Within a one-quarter-mile Radius of the Project Area:

No archaeological resources have been reported.

See the attached pages 1, 5, 7, 8, and 13 of the *Historic Property Data File* (6/25/01) for the listings (highlighted in yellow) for the following streets that are within the radius: Monterey, Benson, Conejo, Connie, Empire, Kerr, and Santa Cruz Avenues, and Larkin Street. We do not have the individual forms on file. All of them have been given National Register status codes of either 6Y or 6Y2 (see the attached code key).

There are two other properties within the radius that I have attached "HUD" Project Review forms for: 633 Kerr and 1516 Larkin; they are not listed in the above directory. They have been determined to *not* be "historic properties".

Resources known to have value to local cultural groups:

None have been formally reported to the Information Center.

Previous Investigations within the Project:

None have been reported.

Previous Investigations within a one-quarter-mile Radius of the Project Area:

None have been reported.

Recommendations/Comments: Please be advised that a historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. There may be unidentified features 45 years or older within your project that are and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.

In accordance with State law, if any historical resources are found during construction, work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find.

We understand that you will be conducting an archaeological survey of the proposed project that is the subject of this records search. We look forward to receiving one copy of your report of findings which should include two copies each complete site record for all historical resources discovered as a result of the survey. The report should be prepared to meet ARMR (Preservation Planning Bulletin Number 4a, December 1989, Office of Historic Preservation, Sacramento) recommended contents and format; and site records completed after June 30, 1997, should be prepared on the DPR-523 (1/95) forms pursuant to Office of Historic Preservation instructions dated May 21, 1997.

We thank you for contacting this office regarding historical resource preservation. Please let us know when we can be of further service. Billing is attached, payable within 60 days of receipt of the invoice.

Sincerely,

Robin Hards

Robin Hards, Assistant Research Technician
Central California Information Center
California Historical Resources Information System

APPENDIX 2

Resumé of Investigator

PEAK & ASSOCIATES, INC.
RESUME

ROBERT A. GERRY
Senior Archeologist
3941 Park Drive, Suite 20-329
El Dorado Hills, CA 95762

January 1998

PROFESSIONAL EXPERIENCE

Mr. Gerry has over twenty years of extensive experience in both the public and private sectors. He has directed all types of cultural resource-related projects, including field survey, test excavations, data recovery programs, intensive archival research and cultural resource management. He has completed archeological work in most cultural areas of California and in the western Great Basin.

EDUCATION

Graduate studies - Anthropology - California State University, Sacramento, 1972-1977
B.A. - Anthropology - University of Illinois, Chicago Circle, 1972

RECENT PROJECTS

Mr. Gerry was field director for a cultural resources survey of about 18,640 acres within the Naval Petroleum Reserve No. 1, Kern County, California. The project employed a stratified random sampling strategy and resulted in the recording of 112 cultural resources, and preparation of a management plan. He also directed a subsequent excavation program for evaluation of significance. Additionally, he served as field director for archeological surveys on the Plumas, Stanislaus, El Dorado and Six Rivers National Forests.

He was field director and primary report writer on several linear surveys of considerable length -- including the San Joaquin Valley Pipeline (157 miles) for Shell Oil, the Point Arena-Dunnigan fiberoptic cable (137 miles) and the Medford, Oregon, to Redding, California fiberoptic cable (151 miles), the Oregon and Idaho portions of the Spokane to Boise fiber optic cable, and the San Bernardino to San Diego fiberoptic cable, for American Telephone & Telegraph Company. He also assisted on the 170 mile Pacific Pipeline survey on the southern coast of California.

He produced the computer program that stored, sorted and printed out data abstracts for 1604 sites involved in the Enlarged Shasta Dam and Alternatives Class I Cultural Resources Overview for the Bureau of Reclamation. He directed the transit-and-stadia mapping of a prehistoric/ historic site complex covering some 170 acres in El Dorado County and drafted the final map.

Mr. Gerry has developed a specialty in bridge replacement evaluations, completing five such studies in Tuolumne County, two in Santa Barbara County, two in Amador County and eight others in various areas of California.

Mr. Gerry has had extensive experience in the recordation of mining sites in northern California and Nevada for proposed mining undertakings as well as in the couse of survey for proposed

subdivisions, reservoirs, and other development projects. He directed the survey of two parcels totalling 2,240 acres in the Battle Mountain Mining District in Lander County, recording a number of mining sites and features. Within the Cook Ranch Project area in El Dorado County, he completed the recordation of several gold mines and a cinnabar mine.

Mr. Gerry has directed test excavations for evaluation of significance at a number of sites, both historic and prehistoric. Recent examples include CA-NAP-261, twelve sites on Naval Petroleum Reserve No. 1 and three sites on Russell Ranch in Sacramento County.

His work has included an important role in working with Native American peoples. He has surveyed eight allotments and rancherias in the Pit River area, the Point Arena/Manchester Rancheria in Mendocino County, the Susanville Rancheria in Lassen County, the Rumsey Rancheria in Yolo County, and three rancherias in northwestern California. In each of these projects, he has been closely involved with Native American organizations and individuals, including a number of native people he has directed as surveyor trainees.

EXHIBIT "D"

ORVILLE WRIGHT NEIGHBORHOOD PARK
PHASE I - ENVIRONMENTAL SITE ASSESSMENT

Bovee Environmental Management
February 19, 2002

PHASE I
ENVIRONMENTAL SITE ASSESSMENT

March 4, 2002

Subject Site

Orville Wright Neighborhood Park And School
South Thrasher Street
Modesto, California

Prepared for

City of Modesto
Parks, Recreation and Neighborhoods Department
1010 Tenth Street, Suite 4400
Post Office Box 642
Modesto, CA 95353

Prepared by

BOVEE ENVIRONMENTAL MANAGEMENT
Post Office Box 4816
Modesto, CA 95352
(209) 577-1887

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A SUBJECT SITE PHOTOGRAPHS
B SITE PARCEL MAPS
C REGULATORY AGENCY SITE LIST

EXECUTIVE SUMMARY

Bovee Environmental Management (BEM) was retained by the City of Modesto to conduct a Phase I Environmental Site Assessment in general accordance with the scope and limitations of ASTM E 1528 for the Orville Wright Neighborhood Park an School property located at South Thrasher Street in Modesto, California (*Subject Site*).

On January 28, 2002 Mr. Brett L. Bovee of BEM inspected the *Subject Site* for environmental conditions that would warrant further investigations. BEM also inquired information from local public agencies, historical information sources, personal interviews and obtained a federal and state government database report to determine environmental conditions at the *Subject Site.*

BEM's scope of work also established the *Subject Site's* potential liability in regards to any existing environmental issues.

SUMMARY OF FINDINGS:

Site Summary:

The *Subject Site* is located in the south Thrasher Street area in Modesto, California. The *Subject Site* encompasses 3 acres of undeveloped land and 3 acres of an existing schoolyard for a total of 6 acres in total land area. The *Subject Site* is within a residential zone of Modesto, California. The following tasks summarize the findings of this investigation.

Site Visit:

The *Subject Site* was inspected on January 28, 2002. During BEM's site visit no environmental conditions were observed that would warrant further investigation, however the following was noted.

- ✓ A dilapidated sewer pipe was observed on the south end of the *Subject Site*, which according to Modesto's Public Works Department is no longer in service.
- ✓ Various articles of trash and abandoned personal items have been left on the *Subject Site*.

Agency Review:

Government records and databases were reviewed in accordance with ASTM E 1528.

At the time of this Phase I ESA Report the *Subject Site* was not identified on the government records and database report

Historical Review:

During the historical review, which may have encompassed personal interviews, city directory review, aerial photographs and building permit review, environmental concerns associated with any previous owner/tenant use of the *Subject Site* were not discovered.

CONCLUSIONS:

BEM has performed a Phase I Environmental Site Assessment on the *Subject Site* in general conformance with the scope and limitations of ASTM E 1528. This assessment has not revealed evidence of a potential recognized environmental condition, which would require further assessment activities.

No further environmental investigations are warranted for the Orville Wright Neighborhood Park, located at South Thrasher Street in Modesto, California.

This summary is not to be used alone, the report must be read in its entirety.

This Phase I ESA Report was performed by,

BOVEE ENVIRONMENTAL MANAGEMENT

Brett L. Bovee, CAC
Environmental Professional

1.0 INTRODUCTION

1.1 PURPOSE

The Phase I Environmental Site Assessment is designed to provide City of Modesto an assessment concerning environmental conditions (limited to those issues identified in the report), as they exist at the *Subject Site*. This assessment was conducted utilizing generally accepted Phase I ESA Industry Standards in accordance with ASTM E 1528.

1.2 INVOLVED PARTIES

Mr. Nathan Houx of City of Modesto authorized Bovee Environmental Management (BEM) to perform this assessment.

1.3 SCOPE OF WORK

The Phase I environmental site assessment was conducted in accordance with ASTM E 1528. Except as noted, BEM performed all tasks described in this report. The Phase I Environmental Site Assessment consists of:

1. A visual reconnaissance of the site and a visual survey of the surrounding properties;
2. Interviews with individuals knowledgeable about past or current operations at the site;
3. A review of historical information regarding site use and operations;
4. Contacts with local regulatory agencies and other knowledgeable municipal officials and representatives regarding current operations and local environmental issues at the site;
5. A federal and state government database search of sites within ASTM minimum search distances; and
6. Preparation of a report of findings.

2.0 GENERAL SITE CHARACTERISTICS

2.1 SITE LOCATION

2.1.1 Site Name

The *Subject Site* is Orville Wright Neighborhood Park and School.

2.1.2 Site Address

The *Subject Site* is located on the south side of Thrasher Street, Modesto, California.

Parcel Numbers: 035-48-15, 035-48-16 and Portions of Parcel #'s 035-48-01 and 035-53-04.

2.2 SITE DESCRIPTION AND CURRENT SITE USES

2.2.1 Property Description

The *Subject Site* is located at the south end of Thrasher Street in Modesto, California. The Subject Site encompasses 3 acres of undeveloped land and 3 acres of an existing schoolyard for a total of 6 acres in total land area, which gently slopes in a southerly direction.

2.2.2 Zoning Information

The *Subject Site* is within a residential zone of Modesto, California.

2.2.3 Building Description

The *Subject Site* was improved with a single-family house, which was demolished in late 2001.

2.2.4 Assessors Parcel Numbers

The *Subject Site* parcel numbers are 035-48-15, 035-48-16, and portions of 035-48-01 and 035-53-04.

3.0 RESULTS OF INVESTIGATION

3.1 SITE INSPECTION OBSERVATIONS

The site reconnaissance was performed to visually inspect areas of the property for evidence of recognized environmental conditions. On January 28, 2002 Mr. Brett L. Bovee of BEM inspected the *Subject Site*. The findings of the site reconnaissance are discussed below.

3.1.1 Transformers

There is one (1) pole-mounted transformers located on the northwest corner of Subject *Site* that is not labeled as non-PCB (see site map for locations). No leakage was observed on the transformer, however if leakage were to occur without occupant disturbance, the associated energy company would be responsible for any repair and/or clean-up cost associated with the transformer.

3.1.2 Drums, Containers and Storage Vessels

One 55-gallon drum was observed on the far southeast corner of the *Subject Site*. The drum was noted to be empty and without leakage upon BEM's close observation.

3.1.3 Air Stacks, Vents, and Odors

No operational air stacks, vents or odors were noted during the *Subject Site* visit.

3.1.4 Evidence of Improper Waste Discharge

A dilapidated sewer pipe was observed on the south end of the Subject Site, which according to Modesto's Public Works Department is no longer in service.

3.1.5 Evidence of Waste Disposal

Various articles of trash and abandoned personal items have been left on the Subject Site.

3.1.6 Surface Fill

The on-site reconnaissance included observation for visible indications of fill soils. Some fill soil was observed on the northeast area of the *Subject Site.* This fill soil was used to fill in a demolished home and associated pool. No evidence of hazardous materials was noted within this fill soil upon BEM's close observation.

3.1.7 Surface Staining and Stressed Vegetation

No evidence of surface staining and/or stressed vegetation was observed.

3.1.8 Aboveground Storage Tanks

No aboveground storage tanks (ASTs) were observed on the *Subject Site*.

3.1.9 Evidence of Underground Storage Tanks

No indications of underground storage tanks (USTs) were observed on the *Subject Site*.

3.1.10 Conduits to Groundwater

The *Subject Site's* water is supplied by the city of Modesto.

3.1.11 On-Site Environmental Management Practices

The *Subject Site* is not registered with the Stanislaus County Department of Environmental Resources.

3.2 ADJACENT SITE AND VICINITY OBSERVATIONS

Off-site visual reconnaissance of adjacent properties for improvements and indications of recognized environmental conditions that could impact the site were conducted during the site visit. The off-site reconnaissance was limited to areas and facilities that were readily accessible for visual observation and were adjacent to the subject property.

3.2.1 Adjacent Properties

The current use of adjoining properties was observed from the *Subject Site* as follows:

North: Public School Yard

South: Undeveloped

East: Residential

West: Residential

3.2.2 Potential Impact

Other adjacent property use was not observed as an environmental concern.

3.3 RESULTS OF REGULATORY AGENCY LIST REVIEW AND FILE RESEARCH

3.3.1 Federal and State Regulatory Agency Review

Information from standard federal and state environmental record sources is provided through VISTA Environmental Information, Inc. Data from governmental agency lists are updated and integrated into one database, which is updated as these data are released. This integrated database also contains postal service data in order to enhance address matching. Records from one government source are compared to records from another to clarify any address ambiguities. The demographic and geographic information available provides assistance in identifying and managing risk. The accuracy of the geocoded locations is approximately +/-300 feet.

Regulatory information from the following data base sources regarding possible recognized environmental conditions, within the ASTM minimum search distance from the *Subject Site*, was reviewed. Specific sites are discussed below if it has been determined likely that a potential recognized environmental condition has resulted at the *Subject Site* from the listed sites.

3.3.1.1 Federal National Priority List (NPL)

The National Priorities (Superfund) List is the EPA database of uncontrolled or abandoned hazardous waste sites identified for priority remedial actions under the Superfund Program.

No NPL sites are located within a one-mile radius of the *Subject Site*.

3.3.1.2 Federal Comprehensive Emergency Response, Compensation and Liability Information System (CERCLIS)

The CERCLIS list is a compilation of sites, which the EPA has investigated or is currently investigating for a release or threatened release of hazardous substances.

One CERCLIS site was identified within a one-mile radius of the *Subject Site*.

This site is identified as Gallo Glass Company located at 605 S. Santa Cruz Avenue in the City of Modesto, CA. Due to this sites cross gradient proximity to the subject site and that it was closed by the lead agency in 1985, it is unlikely that this site will have an environmental impact on the subject site.

3.3.1.3 Federal Resource Conservation and Recovery Act (RCRA) CORRACTS TSD facilities List

This database is the environmental protection agencies (EPA's) list of treatment storage or disposal facilities subject to corrective action under RCRA.

No RCRA CORRACTS TSD sites were identified within a one-mile radius of the *Subject Site*.

3.3.1.4 Federal Resource Conservation and Recovery Act (RCRA) Non-CORRACTS TSD facilities List

The EPA Resource Conversation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA TSD database is a compilation by the EPA of reporting facilities that treat, store or dispose of hazardous waste.

No RCRA TSD sites are located within a three quarter-mile of the *Subject Site*.

3.3.1.5 Resource Conservation and Recovery Act (RCRA) Notifiers List

The EPA Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Generators database is a compilation by the EPA of reporting facilities that generate hazardous waste.

The *Subject Site* and adjacent properties are not reported as a hazardous waste generator.

3.3.1.6 Emergency Response Notification Systems (ERNS) - Property Only

The Emergency Response Notification System (ERNS) is a national database used to collect information or reported release of oil or hazardous substances.

The *Subject Site* and adjacent properties are not listed as an ERNS site.

3.3.1.7 State Priority List

The California EPA, DTSC maintains a list of sites considered to be actually or potentially contaminated and presenting a possible threat to human health and the environment.

No SPL sites are located within a one-mile radius of the *Subject Site*.

3.3.1.8 Leaking Underground Storage Tank List (LUST)

California EPA compiles lists of all leaks of hazardous substances from underground storage tanks

One LUST sites is listed within one-half mile of the *Subject Site*.

This site is listed as the City/County Airport located at 700 Tioga, Modesto, CA. The Regional Water Quality Control Board Region 05 has closed this site on July 10, 1996. It is unlikely that this site will have an environmental impact on the subject site.

3.3.1.9 State Underground Storage Tank List (UST)

The SWRCB, Office of Underground Storage Tanks compiles lists of UST locations.

The *Subject Site* has no registered USTs.

3.3.1.10 State CERCLIS-Equivalent List

The Department of Toxic Substances Control maintains a list of sites under investigation that could be actually or potentially contaminated and presenting a possible threat to human health and the environment.

No SCL sites are listed on or adjoining the *Subject Site*.

3.3.2 Local Government Agency Review

3.3.2.1 Public Works

The City of Modesto Public Works Department records were reviewed to evaluate local drinking water contamination, grease trap violation or records of unauthorized discharges to the sanitary sewer. According to Ms. Lorrie Arnold, Senior Secretary with the Modesto Public Works Department, the water and sewer for the *Subject Site* is provided by the city of Modesto and meets or exceeds all regulatory limits.

3.3.2.2 Environmental Department

Each county in California maintains an environmental department responsible for local monitoring and enforcement of various environmental laws.

According to the Stanislaus County Department of Environmental Resources (SCDER), no files exist for the *Subject Site.*

3.3.2.3 Fire Marshal

Files at the Modesto Fire Department regarding toxic releases, hazardous substances spills, and toxic releases of emergency responses actions regarding hazardous substances were not found for the *Subject Site*.

3.4 RESULTS OF THE SITE HISTORY / LAND USE REVIEW

3.4.1 Aerial Photographs

1970: It appears the Subject Site was developed with a single-family residential home, a schoolyard and the remaining areas being undeveloped. The surrounding areas east and west of subject site appear to be residential with a school building to the north and undeveloped land to the south.

1985: The subject site appears as it did in the 1970 aerial photograph.

1998: The subject site appears as it did in the 1985 aerial photograph.

3.4.2 Historical City Directories

According to Polk City Directories reviewed the *Subject Site* has been residential for the previous forty years.

4.0 CONCLUSIONS

BEM has performed a Phase I Environmental Site Assessment on the *Subject Site* in general conformance with the scope and limitations of ASTM E 1528. This assessment has not revealed evidence of a potential recognized environmental condition, which would require further assessment activities.

5.0 RECOMMENDATIONS

No further environmental investigations are recommended for the *Subject Site*, located at South Thrasher Street, Modesto, California.

6.0 LIMITATIONS

This Phase I ESA Report was prepared for the sole use of City of Modesto, and can be used and relied upon approval by City of Modesto. This report is based in part upon documents, writing, and information owned and possessed by "City of Modesto". Neither this report, nor any of the information contained herein, shall be used or relied upon for any purpose by any person or entity other than City of Modesto and Second Party, if requested.

The conclusions and findings set forth in the attached report are strictly limited in time and scope to the date of the evaluations. The conclusions presented in the report are based solely on the services described therein, and not on scientific tasks or procedures beyond the scope of agreed-upon services or the time and budget restraints imposed by the client. Some of the information provided in this report is based upon personal interviews, and research of available documents, records, and maps held by the appropriate government and private agencies. This is subject to the limitations of historical documentation, availability, and accuracy of pertinent records, and the personal recollections of those persons contacted.

The content and conclusions provided by BEM in this report are based solely on the information collected during our investigation and activities at the site, our present understanding of the site conditions, and our professional judgment in light of such information at the time this report was prepared. Part of the findings in this investigation is based on data provided by others. This report presents BEM's professional opinion, and no warranty, expressed or implied, is made.

ATTACHMENT A

SUBJECT SITE PHOTOGRAPHS

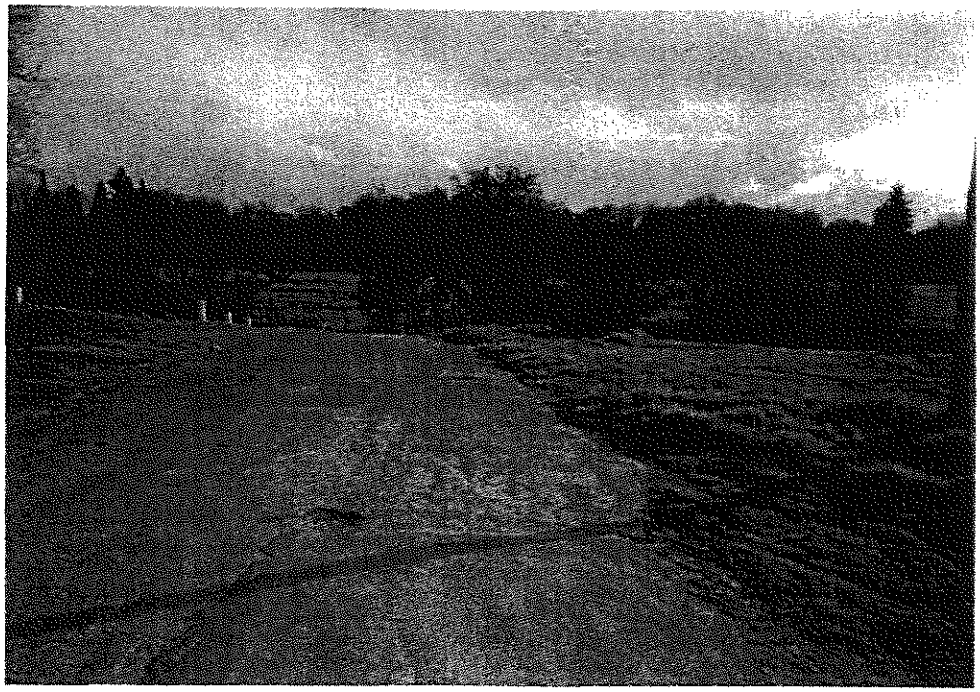

Photo # 1:

Description: **Subject Site (looking south)**

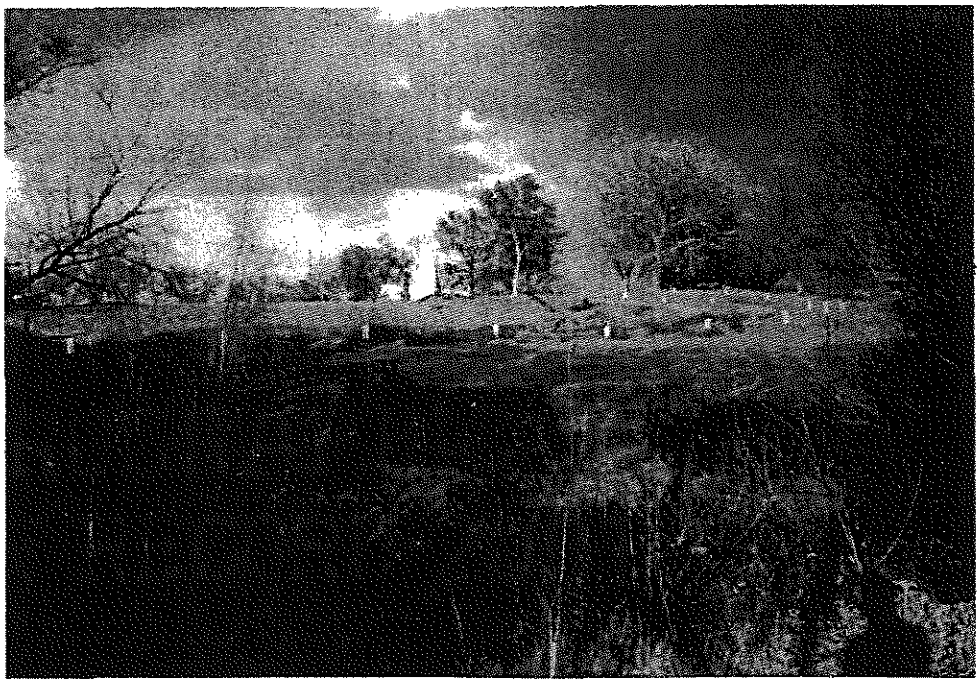

Photo # 2:

Description: **Subject Site (looking north)**

Subject Site: Orville Wright Neighborhood Park, Modesto, CA

Photo # 3:

Description: **West side of subject site (property line)**

Photo # 4:

Description: **Adjacent property west of the Subject Site**

Subject Site: Orville Wright Neighborhood Park, Modesto, CA

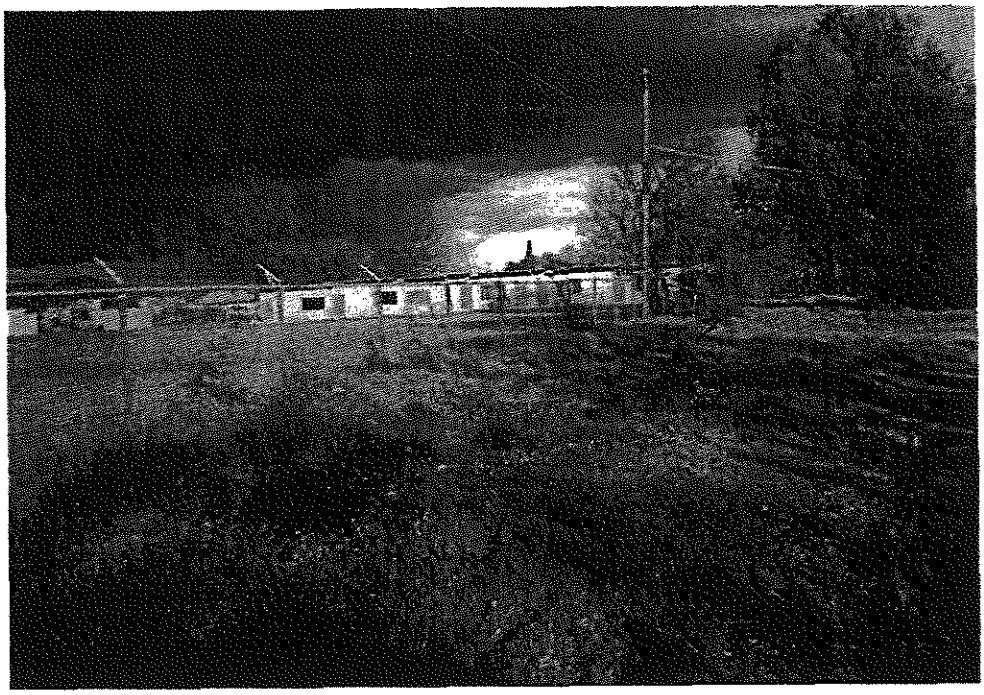

Photo # 5:

Description: **North area of Subject Site**

Photo # 6:

Description: **South area of Subject Site and adjacent property**

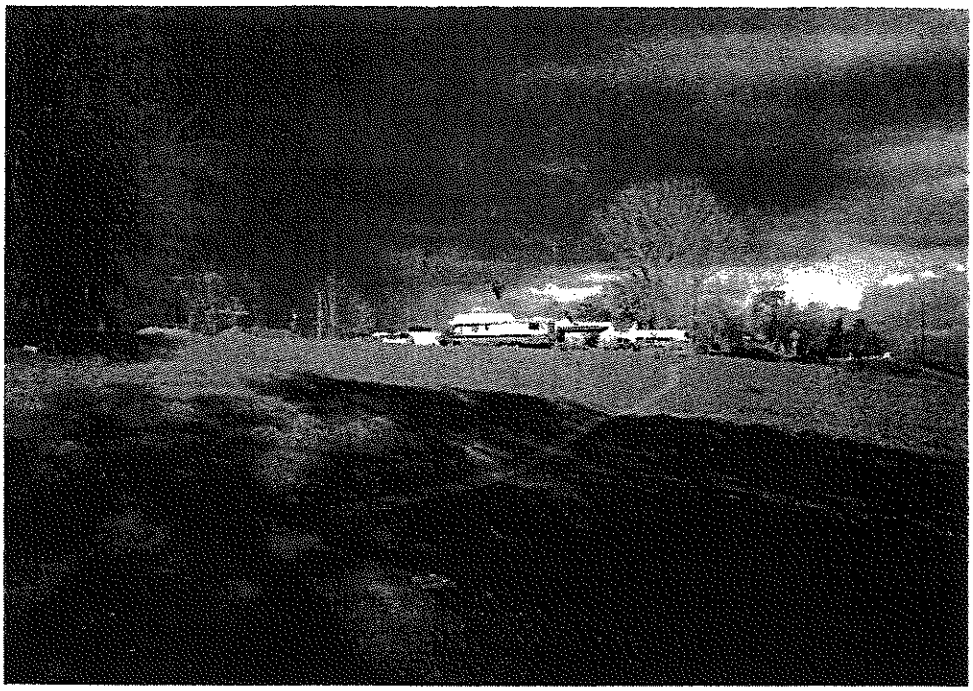

Photo # 7:

Description: **East area of Subject Site and adjacent property**

Photo # 8:

Description: **Northeast area of Subject Site and adjacent property**

Photo # 9:

Description: **Trailer of debris on north side of Subject Site**

Photo # 10:

Description: **Debris on south side of Subject Site**

Subject Site: Orville Wright Neighborhood Park, Modesto, CA

ATTACHMENT B

SITE PARCEL MAPS

Mar 04 02 12:32p RECR & NGHBDS DEPT (209)578-5077 P.2

THIS MAP FOR ASSESSMENT PURPOSES ONLY
Copyright 2001 Stanislaus County
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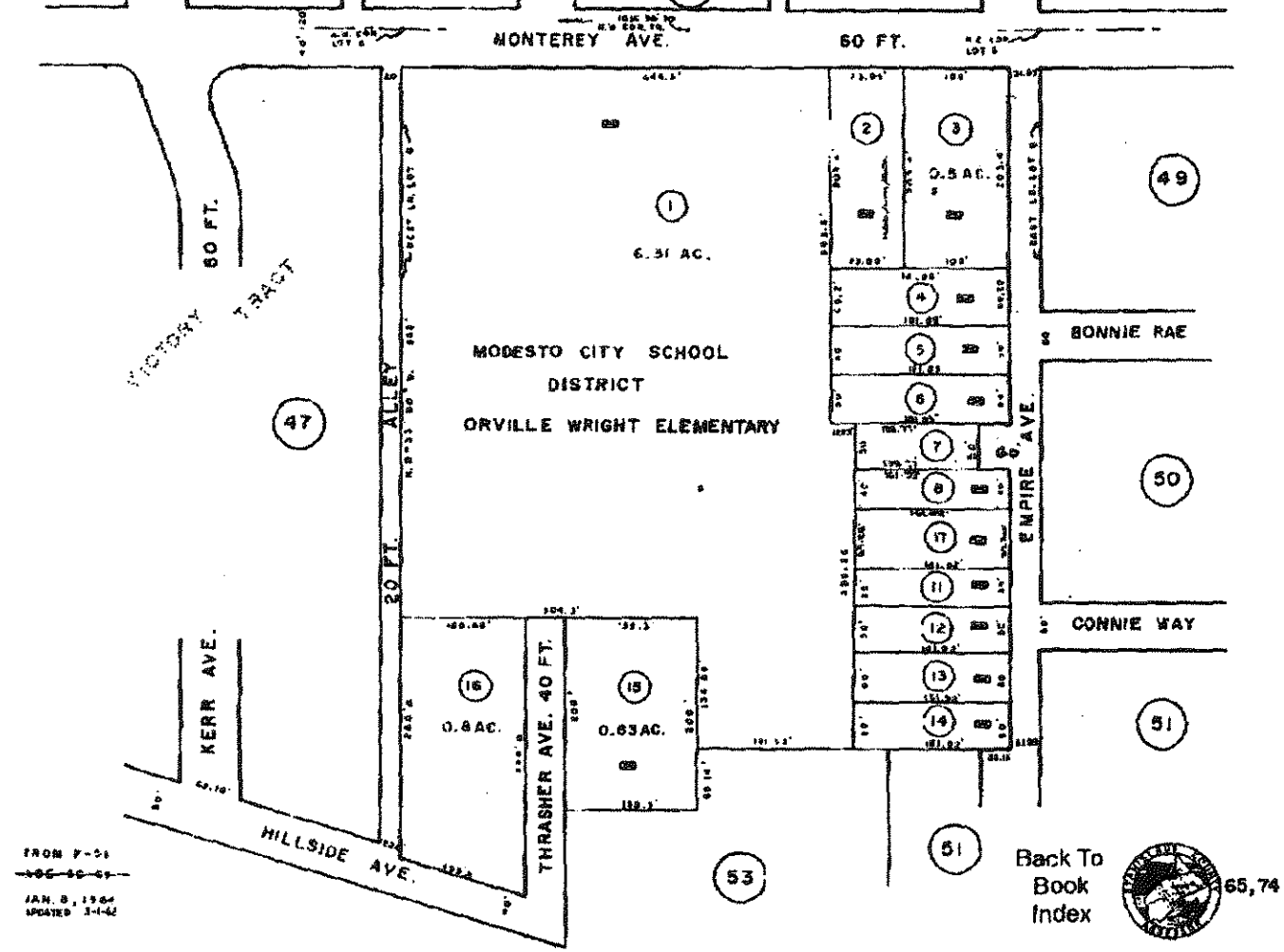
PORTION S. W. 1/4 SECTION 34 T. 3 S. R. 9 E. M. D. B. & M.

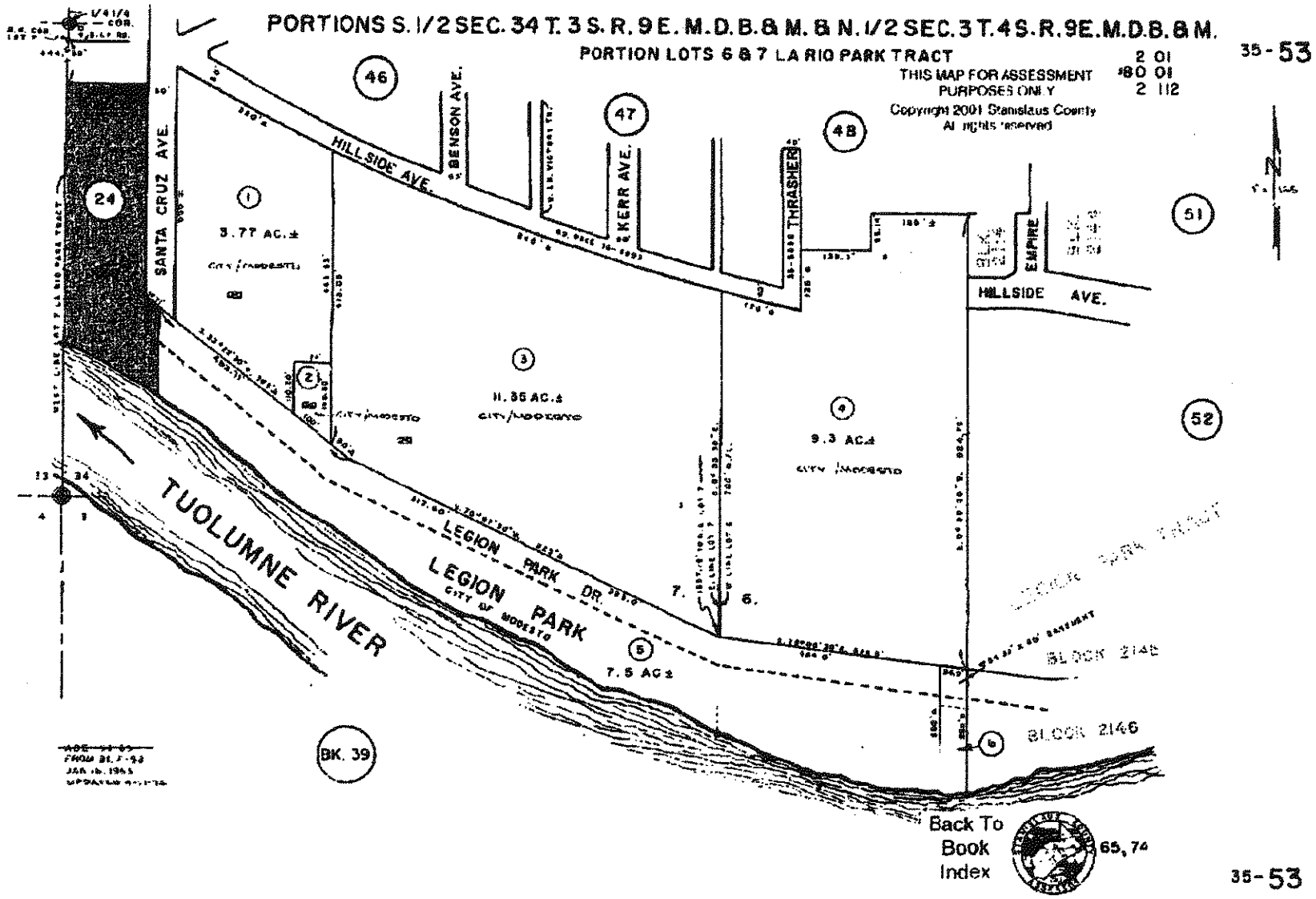
BEING A PORTION OF LOT 6 LA RIO PARK TRACT

002 102
002 103
002 112

35-48



35-48


PORTIONS S. 1/2 SEC. 34 T. 3 S. R. 9 E. M. D. B. & M. & N. 1/2 SEC. 3 T. 4 S. R. 9 E. M. D. B. & M.
PORTION LOTS 6 & 7 LA RIO PARK TRACT
35-53
THIS MAP FOR ASSESSMENT PURPOSES ONLY
2 01
80 01
2 112
Copyright 2001 Stanislaus County
All rights reserved
SANTA CRUZ AVE.
HILLSIDE AVE.
BENSON AVE.
KERR AVE.
THRASHER
EMPIRE
HILLSIDE AVE.
3.77 AC.±
11.86 AC.±
9.3 AC.±
7.5 AC±
LEGION PARK DR.
LEGION PARK
CITY OF MODESTO
TUOLUMNE RIVER
BLOCK 2145
BLOCK 2146
BK. 39
Back To Book Index
65, 74
35-53

ATTACHMENT C

REGULATORY AGENCY SITE LIST

SITE ASSESSMENT PLUS REPORT
(EXTENDED BY 1/4 MILE)

PROPERTY INFORMATION	CLIENT INFORMATION
Project Name/Ref #: 1004 Thrasher R 1004 Thrasher Rd Modesto, CA 95354 Latitude/Longitude: (37.626210, 120.971995)	Brett Bovee Bovee Environmental Management N. Emerald Ave Modesto, CA 95351

Site Distribution Summary Agency / Database - Type of Records			within 3/8 mile	3/8 to 1/2 mile	1/2 to 3/4 mile	3/4 to 1 1/4 mile
A) Databases searched to 1 1/4 mile:						
US EPA	NPL	National Priority List	0	0	0	0
US EPA	CORRACTS	RCRA Corrective Actions (w/o TSD)	0	0	0	0
US EPA	TSD CORRACTS	RCRA Corrective Actions and associated TSD	0	0	0	0
STATE	SPL	State equivalent priority list	0	0	0	0
B) Databases searched to 3/4 mile:						
STATE	SCL	State equivalent CERCLIS list	0	1	1	-
US EPA	CERCLIS / NFRAP	Sites currently or formerly under review by US EPA	0	1	0	-
US EPA	TSD	RCRA permitted treatment, storage, disposal facilities	0	0	0	-
STATE REG CO	LUST	Leaking Underground Storage Tanks	1	0	4	-
STATE/ REG/CO	SWLF	Permitted as solid waste landfills, incinerators, or transfer stations	1	0	0	-
STATE	DEED RSTR	Sites with deed restrictions	0	0	0	-
STATE	CORTESE	State index of properties with hazardous waste	0	0	1	-
STATE	TOXIC PITS	Toxic Pits cleanup facilities	0	0	0	-
USGS/STATE	WATER WELLS	Federal and State Drinking Water Sources	2	1	3	-
STATE	SPILLS	State spills list	0	0	0	-

Site Distribution Summary

Agency / Database - Type of Records			within 3/8 mile	3/8 to 1/2 mile	1/2 to 3/4 mile	3/4 to 1 1/4 mile
C) Databases searched to 1/2 mile:						
US EPA	RCRA Viol	RCRA violations/enforcement actions	0	0	-	-
US EPA	TRIS	Toxic Release Inventory database	0	1	-	-
STATE	UST/AST	Registered underground or aboveground storage tanks	4	1	-	-
D) Databases searched to 3/8 mile:						
US EPA	ERNS	Emergency Response Notification System of spills	0	-	-	-
US EPA	GNRTR	RCRA registered small or large generators of hazardous waste	1	-	-	-
US EPA	NOTIFIER	RCRIS Notifiers	0	-	-	-

This report meets the ASTM standard E-1527 for standard federal and state government database research in a Phase I environmental site assessment. A (-) indicates a distance not searched because it exceeds these ASTM search parameters.

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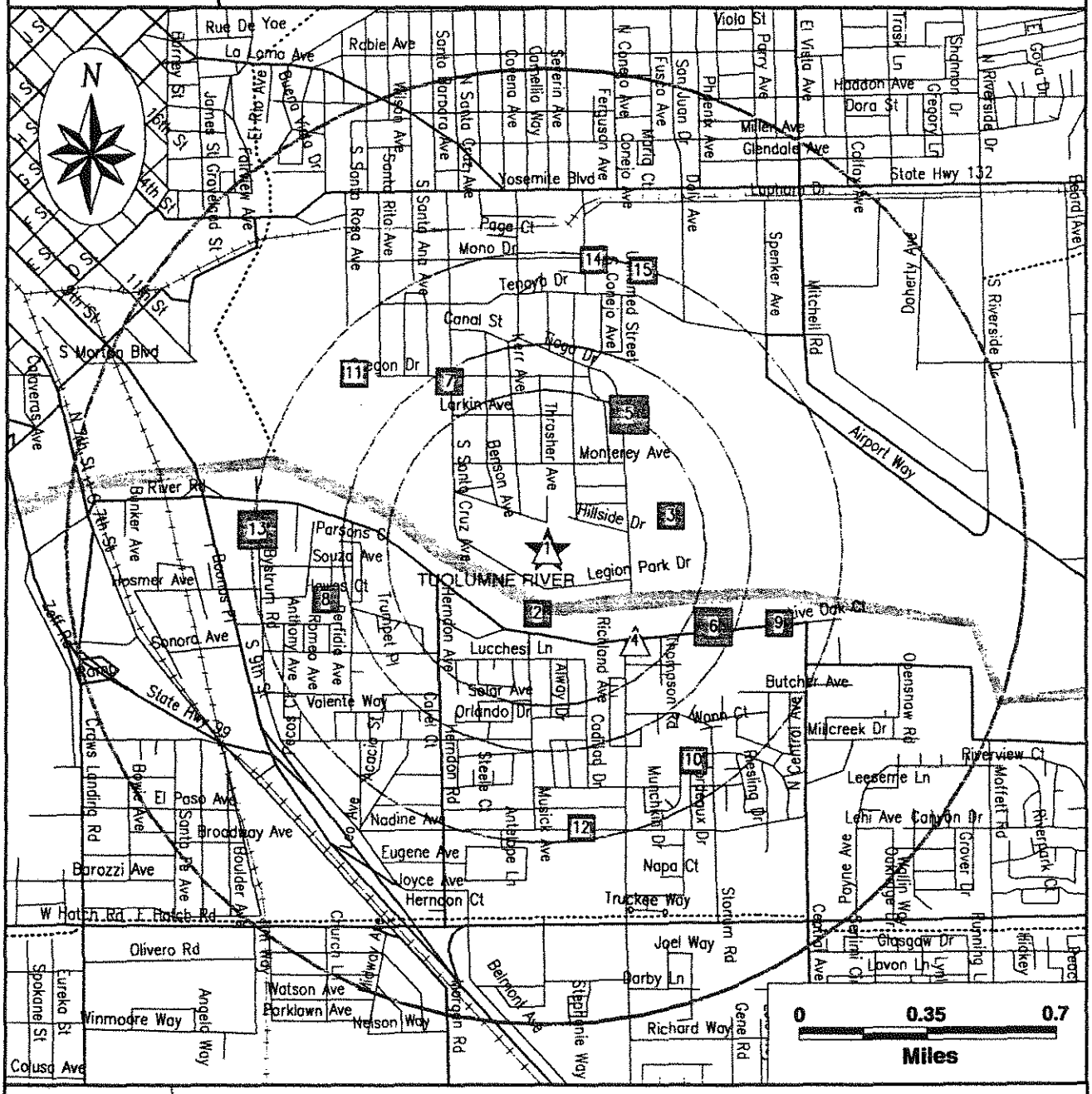
NOTES

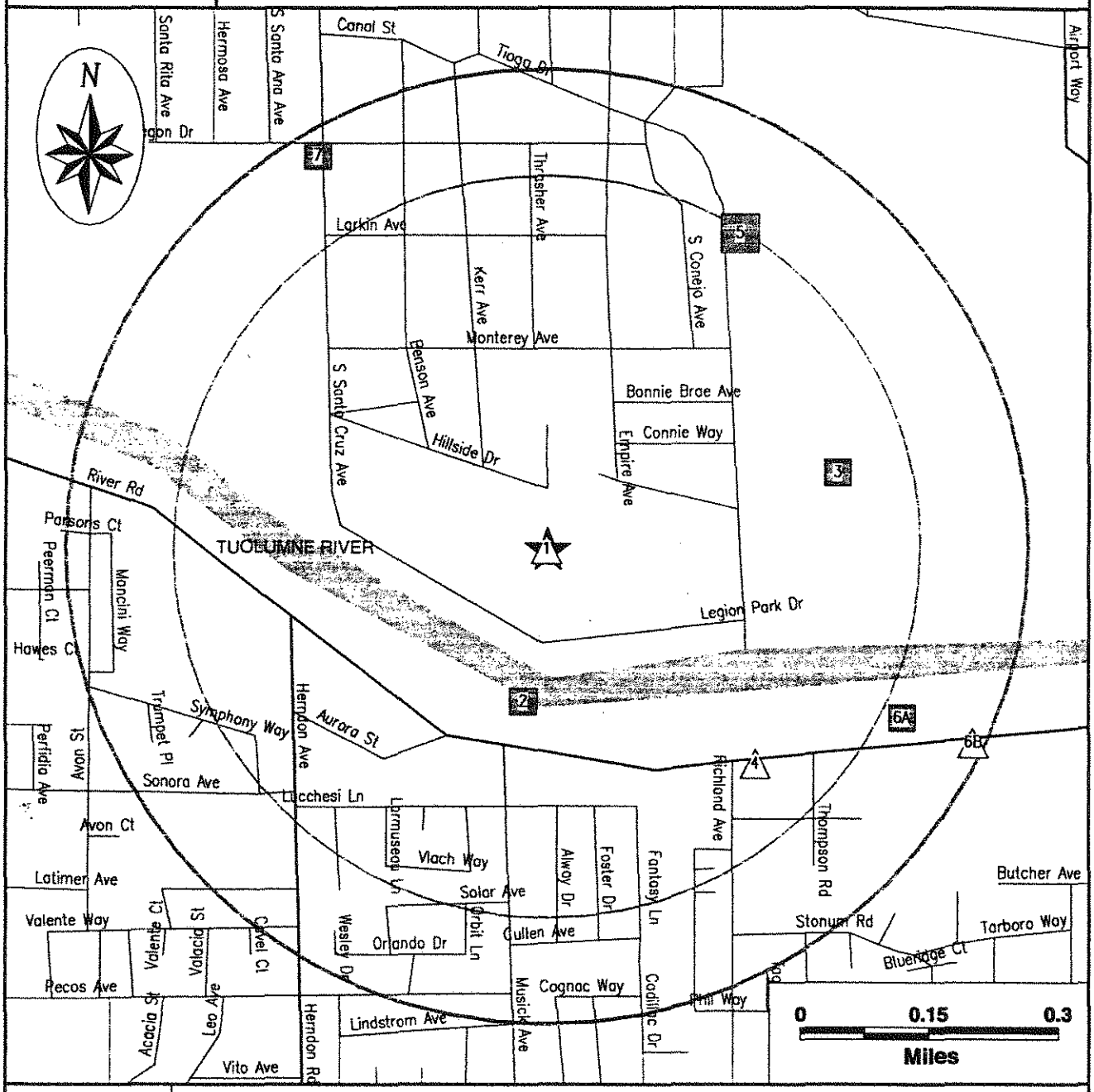
SITE ASSESSMENT PLUS REPORT
(EXTENDED BY 1/4 MILE)

Map of Sites within 1 1/4 Miles


N
Rue De Yoe
La Loma Ave
Robie Ave
Violia St
Trask Ln
Shannon Dr
El Goya Dr
N Riverside Dr
Haddon Ave
Dora St
Gregory Ln
Miller Ave
Glendale Ave
State Hwy 132
Yosemite Blvd
Lupham Dr
Beard Ave
Page Ct
Mono Dr
Tenaya Dr
Canal St
Kerr Ave
Yosemite Ave
Spenker Ave
Mitchell Rd
Daniels Ave
S Riverside Dr
Airport Way
Monterey Ave
Hillside Dr
Thrasher Ave
Berrson Ave
S Santa Cruz Ave
TUOLUMNE RIVER
Legion Park Dr
Live Oak Ct
Parsons Ct
Souza Ave
Lewis Ct
Bertuccio Ave
Romeo Ave
Trumpet Pl
Hermendon Ave
Richland Ave
Cadillac Dr
Thompson Rd
Wynn Ct
Butcher Ave
Millcreek Dr
Riverview Ct
Leeserrie Ln
Lehi Ave
Canyon Dr
Grover Dr
Moffett Rd
Riverpark Ct
Payne Ave
Glasgow Dr
Lavon Ln
Hickey
Sonora Ave
Lucches Ln
Solar Ave
Orlando Dr
Valente Way
Caver Ct
Steele Ct
Musick Ave
Antelope Ln
Nadine Ave
Eugene Ave
Joyce Ave
Herndon Ct
Truckee Way
Napa Ct
Stanislaus Ave
Joel Way
Darby Ln
Richard Way
Gene Rd
Stephanie Way
Belmont Ave
Morgan Rd
Olivero Rd
Watson Ave
Parklawn Ave
Nelson Way
Winmoore Way
Angela Way
Spokane St
Eureka St
Colusa Ave
W Hatch Rd
E Hatch Rd
Crows Landing Rd
Bonita Ave
El Paso Ave
Broadway Ave
Barozzi Ave
Santa Fe Ave
Boulder Ave
Church Ln
Mary Ann Way
Ashton Dr
Cemetery Ave
Cherrini Ct
Lyn
Peace
Cemetery
Barney St
Janet St
Grotefeld St
Fairway Ave
Pueblo Vista Dr
S Santa Rosa Ave
S Santa Rita Ave
S Santa Ana Ave
S Santa Barbara Ave
Santa Barbara Ave
Cornelia Way
Colena Ave
Peterin Ave
Ferguson Ave
N Conejo Ave
Conejo Ave
Fusha Ave
Morra Ct
San Juan Dr
Daly Ave
Phoenix Ave
Parry Ave
El Vista Ave
Cedar Ave
Lowell Street
Conejo Ave
Tioga Dr
Larkin Ave

SITE ASSESSMENT PLUS REPORT
(EXTENDED BY 1/4 MILE)

Map of Sites within 3/8 Mile



Subject Site	Category:	A	B	C	D
★	Databases Searched to:	1 1/4 mi.	3/4 mi.	1/2 mi.	3/8 mi.
	Single Sites	◆	■	△	○
	Multiple Sites	◆	■	△	○
		NPL, SPL, CORRACTS (TSD)	CERCLIS\ NFRAP, TSD, LUST, SWLF, SCL	UST	ERNS, GENERATORS

Highways and Major Roads
Roads
Railroads
Rivers or Water Bodies
Utilities

If additional databases are listed in the cover page of the report they are also displayed on this map. The map symbol used corresponds to the database category letter A,B,C,D.

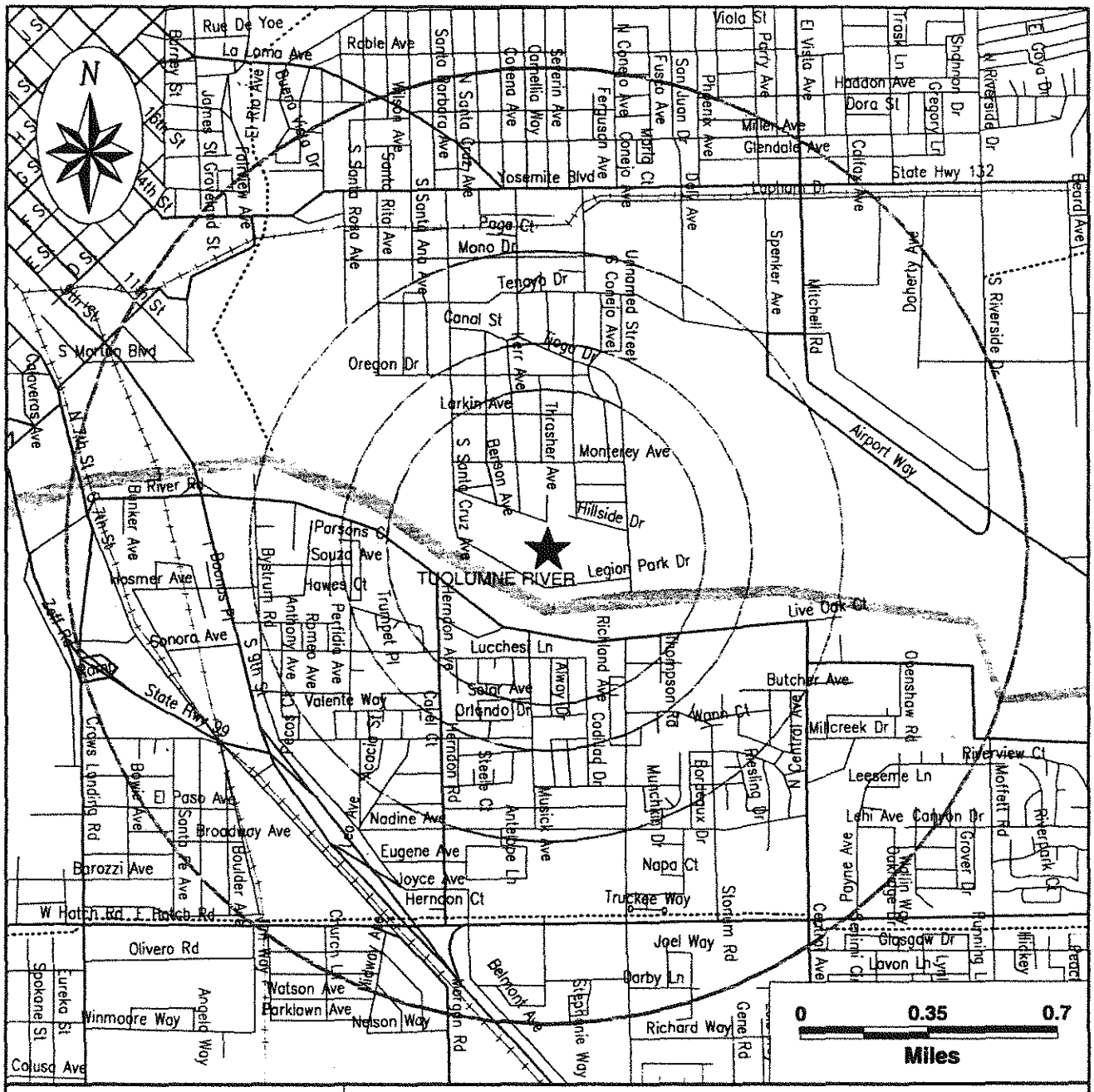
For More Information Call VISTA Information Solutions, Inc. at **1 - 800 - 767 - 0403**

Report ID: **712801901**

Date of Report: **January 23, 2002**

SITE ASSESSMENT PLUS REPORT
(EXTENDED BY 1/4 MILE)

Street Map


N
TUOLUMNE RIVER
Rue De Yoe
La Loma Ave
Roble Ave
Josemite Blvd
Viola St
Haddon Ave
Dora St
Miller Ave
Glendale Ave
State Hwy 132
Page Ct
Mono Dr
Tenaya Dr
Canal St
Oregon Dr
Larkin Ave
Monterey Ave
Hillside Dr
Legion Park Dr
Live Oak Ct
Airport Way
Mitchell Rd
Spenker Ave
Dohrty Ave
S Riverside Dr
Unnamed Street
Thrasher Ave
Berson Ave
Herndon Ave
Richland Ave
Codhad Dr
Thompson Rd
Butcher Ave
Millcreek Dr
Riverview Ct
Leeseme Ln
Lehi Ave
Cahron Dr
Grover Dr
Moffett Rd
Riverpark Ct
Payne Ave
Glasgow Dr
Lavon Ln
Lynn Ct
Hickey
Peace
Joel Way
Darby Ln
Richard Way
Gene Rd
Stephanie Way
Belmont Ave
Morgan Rd
Storlum Rd
Napa Ct
Truckee Way
Eugene Ave
Joyce Ave
Herndon Ct
Nadine Ave
Barozzi Ave
Brookway Ave
El Paso Ave
W Hatch Rd
E Hatch Rd
Olivero Rd
Watson Ave
Parklawn Ave
Nelson Way
Winmoore Way
Angela Way
Spokane St
Eureka St
Colusa Ave
Crows Landing Rd
Boulder Ave
Church Ln
Tower Ave
Tower Rd
Santa Fe Ave
Bowe Ave
Anthony Ave
Romero Ave
Perfidia Ave
Trumpet Pl
Hawes Ct
Parsons Ct
Souza Ave
Bystrum Rd
Banker Ave
Osmer Ave
Sonora Ave
Valente Way
Orlando Dr
Solar Ave
Lucchesi Ln
Carel Ct
Steele Ct
Antelope Ln
Musick Ave
Munchkin Dr
Barbereux Dr
Riesling Dr
Wanna Ct
Airway Dr
Boomtown Rd
Bonita Rd
Fulkerson Rd
Jennings Rd
Hickman Rd
Fulkerson Ln
Hickman Ln
Bonita Ln
Bonita Ct
Jennings Ct
Fulkerson Ct
Hickman Ct
Jennings Ln

SITE ASSESSMENT PLUS REPORT
(EXTENDED BY 1/4 MILE)

SITE INVENTORY

MAP ID	PROPERTY AND THE ADJACENT AREA (within 3/8 mile) VISTA ID DISTANCE DIRECTION	A				B											C			D		
		NPL	CORRACTS	TSD CORRACTS	SPL	SCL	CERCLIS/NFRAP	TSD	LUST	SWLF	DEED RSTR	CORTESE	TOXIC PITS	WATER WELLS	SPILLS		RCRA VIOL	TRIS	UST/AST	ERNS	GNRTR	NOTIFIERS
1	MOODY HOUSE 1004 THRASHER MODESTO, CA 95354 *1221420* *0.00 MI* *NA*																		X			
2	USGS REPORTED WATER WELL , CA 0 *8886546* *0.12 MI* *S*													X								
3	USGS REPORTED WATER WELL , CA 0 *8886568* *0.29 MI* *E*													X								
4	ALBERT MELLO 1720 RIVER MODESTO, CA 95351 *4013367* *0.29 MI* *SE*																		X			
5	CAL AVION 700 S TIOGA DR OR HANGER 2 MODESTO, CA 95354 *64874* *0.37 MI* *NE*																				X	
5	ESCO AVIATION 700 TIOGA MODESTO, CA 95354 *1250994* *0.37 MI* *NE*																		X			
5	HENDLEY'S AVIATION SERVICE 700 TIOGA MODESTO, CA 95354 *4044256* *0.37 MI* *NE*																		X			
5	1X CITY OF MODESTO/CITY-COUNTY AIRPORT 700 TIOGA MODESTO, CA 95354 *1154196* *0.37 MI* *NE*									X												
5	CITY/COUNTY AIRPORT 700 TIOGA MODESTO, CA 95354 *2746913* *0.37 MI* *NE*								X													

MAP ID	SITES IN THE SURROUNDING AREA (within 3/8 - 1/2 mile)	VISTA ID DISTANCE DIRECTION	A				B											C			D		
			NPL	CORRACTS	TSD CORRACTS	SPL	SCL	CERCLIS/NFRAP	TSD	LUST	SWLF	DEED RSTR	CORTESE	TOXIC PITS	WATER WELLS	SPILLS	RCRA VIOL	TRIS	UST/AST	ERNS	GNRTR	NOTIFIERS
6A	USGS REPORTED WATER WELL , CA 0	8886545 0.40 MI E													X							
6B	ALMOUD 1938 RIVER MODESTO, CA 95351	4013419 0.48 MI E																	X			
7	GALLO GLASS CO. 605 S. SANTA CRUZ AVE. MODESTO, CA 95354	164041 0.47 MI NW					X	X										X			•	

MAP ID	SITES IN THE SURROUNDING AREA (within 1/2 - 3/4 mile)	VISTA ID DISTANCE DIRECTION	A				B											C			D		
			NPL	CORRACTS	TSD CORRACTS	SPL	SCL	CERCLIS/NFRAP	TSD	LUST	SWLF	DEED RSTR	CORTESE	TOXIC PITS	WATER WELLS	SPILLS	RCRA VIOL	TRIS	UST/AST	ERNS	GNRTR	NOTIFIERS
8	USGS REPORTED WATER WELL , CA 0	8886549 0.56 MI W													X							
9	LA TOURETTE RESIDENCE 2041 RIVER RD MODESTO, CA 95351	5717231 0.61 MI E								X												
10	USGS REPORTED WATER WELL , CA 0	8886503 0.65 MI SE													X							
11	FAIRBANKS TRUCKING, INC. 801 OREGON MODESTO, CA 95354	1205155 0.65 MI NW								X									•			
12	MARTINEZ PROPERTY 1627 NADINE ST MODESTO, CA 95351	3079531 0.71 MI S					X															
13	HOAGLAND TRANSPORT SERVICE 445 BYSTROM RD MODESTO, CA 95357	64564214 0.73 MI W								X												
13	HOAGLAND TRANSPORT SERVIC 445 BYSTROM MODESTO, CA 95357	1604694 0.74 MI W											X									
14	GILTON SOLID WASTE MGMT 1722 MONO DR MODESTO, CA 95354	171743 0.74 MI N								X									•		•	
15	USGS REPORTED WATER WELL , CA 0	8886645 0.74 MI NE													X							

MAP ID	SITES IN THE SURROUNDING AREA (within 3/4 - 1 1/4 mile)	A				B										C			D		
	VISTA ID DISTANCE DIRECTION	NPL	CORRACTS	TSD CORRACTS	SPL	SCL	CERCLIS/NFRAP	TSD	LUST	SWLF	DEED RSTR	CORTESE	TOXIC PITS	WATER WELLS	SPILLS	RCRA VIOL	TRIS	UST/AST	ERNS	GNRTR	NOTIFIERS
No Records Found																					

UNMAPPED SITES	VISTA ID	A				B										C			D		
		NPL	CORRACTS	TSD CORRACTS	SPL	SCL	CERCLIS/NFRAP	TSD	LUST	SWLF	DEED RSTR	CORTESE	TOXIC PITS	WATER WELLS	SPILLS	RCRA VIOL	TRIS	UST/AST	ERNS	GNRTR	NOTIFIERS
WARD OFFICE FURNITURE MODONA MODONA NA MODESTO, CA 95351	4032947																	X			
STAE OF CALIFORNIA YOSEMITE/DRY CREEK DRY CREEK MODESTO, CA 95354	4048013																	X			
MODESTO STEAM LAUNDRY CLEANE 12101 008TH MODESTO, CA 95354	4015492																	X			
CERES RANCH SERVICE JENNINGS CERES, CA 95307	65001215								X												
OAKDALE YARD SIERRA STREET MODESTO, CA 95354	1229733																	X			
DEL PUERTO CANYON SEISMIC SITE DEL PUERTO CANYON TO CANYON MODESTO, CA 95354	4024247																	X			
LEO FOLETTA MODESTO, CA 95351	502842505																	X			
MODESTO CITY DISPOSAL SITE, AIRPORT TIOGA RD AT CITY COUNTY AIRPORT MODESTO, CA 0	67139391									X											
SAME AS ABOVE SAME SAME SAME MODESTO, CA 95351	4041897																	X			
INDUSTRIAL CHEMICAL DIVISION 1200 BARIUM RD MODESTO, CA 95352	1179485									X											
MODESTO CITY PLAZA PROJEC 9TJ ST/K ST MODESTO, CA 95351	7432831											X									

SITE ASSESSMENT PLUS REPORT
(EXTENDED BY 1/4 MILE)

DETAILS

PROPERTY AND THE ADJACENT AREA (within 3/8 mile)

VISTA Address*:	MOODY HOUSE 1004 THRASHER MODESTO, CA 95354	VISTA ID#:	1221420	Map ID 1
		Distance/Direction:	0.00 MI / NA	
		Plotted as:	Point	

STATE UST - State Underground Storage Tank / SRC# 45		EPA/Agency ID:	N/A
Agency Address:	*MOODY HOUSE 1004 THRASHER MODESTO, CA 95353*		
Facility Name:	*MOODY HOUSE*		
Facility Address:	*1004 THRASHER MODESTO, CA 95353*		
Facility County:	*50000*		
Total Underground Tanks:	*1*		
Total Aboveground Tanks:	*NOT REPORTED*		
Total Tanks Removed:	*0*		
Tank ID #:	*11*		
Tank Contents:	*UNKNOWN*		
Tank Age:	*0*		
Tank Capacity:	*500 GALLONS*		
Tank Status:	*OTHER*		
Leak Monitor:	*MONITOR PRESENT*		
Piping Type:	*UNKNOWN*		
Tank Material:	*UNKNOWN*		

VISTA Address*:	USGS REPORTED WATER WELL CA 0	VISTA ID#:	8886546	Map ID 2
		Distance/Direction:	0.12 MI / S	
		Plotted as:	Point	

USGS Wells - Federal Drinking Water Sources / SRC# 3		EPA/Agency ID:	N/A
Agency Address:	*SAME AS ABOVE*		
Facility State:	*CA*		
Well ID:	*373725120582101*		
Well Use Type:	*PUBLIC SUPPLY*		
Well Depth:	*108.0*		
Well Latitude:	*37.623611111111*		
Well Longitude:	*-120.9725*		
Static Water Level:	*106.00*		
Date Well Drilled:	*01/01/1952*		

PROPERTY AND THE ADJACENT AREA (within 3/8 mile) CONT.

Well County Fips:	*6099*
Fields Not Reported by the Source Agency for this Site:	*Agency ID(1), Epa ID(1), Facility Name(1), Facility Address(1), Facility City(1), Facility Zip(1), Facility County(1)*

VISTA Address*:	**USGS REPORTED WATER WELL** **CA 0**	VISTA ID#:	8886568	Map ID **3**
		Distance/Direction:	0.29 MI / E	
		Plotted as:	Point	
USGS Wells - Federal Drinking Water Sources / SRC# 3		EPA/Agency ID:	N/A	

Agency Address:	*SAME AS ABOVE*
Facility State:	*CA*
Well ID:	*373739120575701*
Well Use Type:	*PUBLIC SUPPLY*
Well Latitude:	*37.6275*
Well Longitude:	*-120.9658333333*
Date Well Drilled:	*01/01/1943*
Well County Fips:	*6099*
Fields Not Reported by the Source Agency for this Site:	*Agency ID(1), Epa ID(1), Facility Name(1), Facility Address(1), Facility City(1), Facility Zip(1), Facility County(1), Well Depth(1), Section Township Range(1)*

VISTA Address*:	**ALBERT MELLO** **1720 RIVER** **MODESTO, CA 95351**	VISTA ID#:	4013367	Map ID **4**
		Distance/Direction:	0.29 MI / SE	
		Plotted as:	Point	
STATE UST - State Underground Storage Tank / SRC# 45		EPA/Agency ID:	N/A	

Agency Address:	*SAME AS ABOVE*
Facility Name:	*ALBERT MELLO*
Facility Address:	*1720 RIVER* *MODESTO, CA 95351*
Facility County:	*50000*
Total Underground Tanks:	*1*
Total Aboveground Tanks:	*NOT REPORTED*
Total Tanks Removed:	*0*
Tank ID #:	*880076-4*
Tank Contents:	*DIESEL*
Tank Age:	*0*
Tank Capacity:	*550 GALLONS*
Tank Status:	*OTHER*
Leak Monitor:	*MONITOR PRESENT*
Piping Type:	*UNKNOWN*
Tank Material:	*UNKNOWN*

VISTA Address*:	CAL AVION 700 S TIOGA DR OR HANGER 2 MODESTO, CA 95354	VISTA ID#:	64874
		Distance/Direction:	0.37 MI / NE
		Plotted as:	Point
RCRA-SmGen - RCRA-Small Generator / SRC# 15		EPA ID:	CAD981678949

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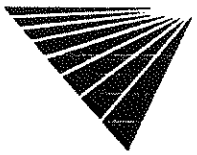
Agency Address:	*SAME AS ABOVE*
EPA Handler ID:	*CAD981678949*
Handler Name:	*CAL AVION*
Handler Address:	*700 S TIOGA DR OR HANGER 2* *MODESTO, CA* *95354*
Land Type:	*NOT ON INDIAN LAND, OTHERWISE UNKNOWN*
County:	*STANISLAUS*
Latitude:	*NOT REPORTED*
Longitude:	*NOT REPORTED*
Mailing Address:	*700 S TIOGA DR OR HANGER 2* *MODESTO, CA* *95354 -*
Acknowledgement Generated:	*19910331*
State District:	*1*
Sequence No:	*1*
Receipt Date:	*19861010*
Source Description:	*NOTIFICATION*
Generator Regulatory Status:	*RCRA REGULATED*
Generator Indicator:	*SMALL QUANTITIY GENERATOR*
Owner/Operator Indicator:	*CURRENT OWNER*
Owner/Operator Type:	*PRIVATE*
Owner/Operator Name:	*SHAW JOHN J*
Phone:	*(415) 555-1212*
Address:	*NOT REQUIRED* *NOT REQUIRED* *ME* *99999*
Owner/Operator Indicator:	*CURRENT OPERATOR*
Owner/Operator Type:	*PRIVATE*
Owner/Operator Name:	*NOT REQUIRED*
Phone:	*(415) 555-1212*
Address:	*NOT REQUIRED* *NOT REQUIRED* *ME* *99999*
Type of Information:	*NOTIFICATION*
Contact Name:	*ENVIRONMENTAL MANAGER*
Contact Title:	*ENVIRO MANAGER*
Contact Phone:	*2095270348*
Contact Address:	*700 S TIOGA DR OR HANGER 2* *MODESTO, CA* *95354 -*
Small Quantity Generator:	*YES*

Fields Not Reported by the Source Agency for this Site:	(2)

VISTA Address*:	ESCO AVIATION 700 TIOGA MODESTO, CA 95354	VISTA ID#:	1250994	Map ID
		Distance/Direction:	0.37 MI / NE	5
		Plotted as:	Point	
STATE UST - State Underground Storage Tank / SRC# 45		EPA/Agency ID:	N/A	

Agency Address:	*SAME AS ABOVE*
Facility Name:	*ESCO AVIATION*
Facility Address:	*700 TIOGA* *MODESTO, CA 95354*
Facility County:	*50000JERRY*
Total Underground Tanks:	*3*
Total Aboveground Tanks:	*NOT REPORTED*
Total Tanks Removed:	*0*
Tank ID #:	*T001U*
Tank Contents:	*JET FUEL*
Tank Age:	*0*
Tank Capacity:	*12000* *GALLONS*
Tank Status:	*OTHER*
Leak Monitor:	*MONITOR PRESENT*
Piping Type:	*UNKNOWN*
Tank Material:	*UNKNOWN*
Tank ID #:	*T001U*
Tank Contents:	*AVIATION GAS*
Tank Age:	*0*
Tank Capacity:	*0* *GALLONS*
Tank Status:	*OTHER*
Leak Monitor:	*MONITOR PRESENT*
Piping Type:	*UNKNOWN*
Tank Material:	*UNKNOWN*
Tank ID #:	*T001U*
Tank Contents:	*AVIATION GAS*
Tank Age:	*0*
Tank Capacity:	*10000* *GALLONS*
Tank Status:	*OTHER*
Leak Monitor:	*MONITOR PRESENT*
Piping Type:	*UNKNOWN*
Tank Material:	*UNKNOWN*



VISTA Address*:	HENDLEY'S AVIATION SERVICE 700 TIOGA MODESTO, CA 95354	VISTA ID#:	4044256
		Distance/Direction:	0.37 MI / NE
		Plotted as:	Point
STATE UST - State Underground Storage Tank / SRC# 45		EPA/Agency ID:	N/A

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Agency Address:	*SAME AS ABOVE*
Facility Name:	*HENDLEY'S AVIATION SERVICE*
Facility Address:	*700 TIOGA* *MODESTO, CA* *95354*
Facility County:	*50000PHILI*
Total Underground Tanks:	*4*
Total Aboveground Tanks:	*NOT REPORTED*
Total Tanks Removed:	*0*
Tank ID #:	*U001U*
Tank Contents:	*PETROLEUM*
Tank Age:	*0*
Tank Capacity:	*12000* *GALLONS*
Tank Status:	*OTHER*
Leak Monitor:	*MONITOR PRESENT*
Piping Type:	*UNKNOWN*
Tank Material:	*UNKNOWN*
Tank ID #:	*U001U*
Tank Contents:	*LEADED GAS*
Tank Age:	*0*
Tank Capacity:	*550* *GALLONS*
Tank Status:	*OTHER*
Leak Monitor:	*MONITOR PRESENT*
Piping Type:	*UNKNOWN*
Tank Material:	*UNKNOWN*
Tank ID #:	*U001U*
Tank Contents:	*PETROLEUM*
Tank Age:	*0*
Tank Capacity:	*12000* *GALLONS*
Tank Status:	*OTHER*
Leak Monitor:	*MONITOR PRESENT*
Piping Type:	*UNKNOWN*
Tank Material:	*UNKNOWN*
Tank ID #:	*U001U*
Tank Contents:	*PETROLEUM*
Tank Age:	*0*
Tank Capacity:	*12000* *GALLONS*
Tank Status:	*OTHER*
Leak Monitor:	*MONITOR PRESENT*
Piping Type:	*UNKNOWN*

Tank Material:	*UNKNOWN*

VISTA Address*:	**1X CITY OF MODESTO/CITY-COUNTY AIRPORT** **700 TIOGA** **MODESTO, CA 95354**	VISTA ID#:	1154196
		Distance/Direction:	0.37 MI / NE
		Plotted as:	Point

Map ID **5**

WMUDS / SRC# 68	EPA/Agency ID:	N/A

Agency Address:	*MODESTO CITY-TIUGA DRIVE* *700 TIUGA ROAD* *MODESTO, CA 0*
Agency ID:	*5 500009NUR*
Facility Name:	*MODESTO CITY-TIUGA DRIVE*
Facility Address:	*700 TIUGA ROAD*
Facility City:	*MODESTO*
Facility State:	*CA*
Facility County:	*STANISLAUS*
Facility Type:	*NOT REPORTED*
Waste Discharger System Flag:	*F*
Chapter 15 Facility Flag:	*F*
Solid Waste Assessment Flag:	*T*
Toxic Pits Flag:	*F*
RCRA Flag:	*F*
Open To Public:	*F*
Number of Waste Management Units:	*1*
Threat To Water:	*NOT REPORTED*
Complexity:	*NOT REPORTED*
Facility Status:	*NOT REPORTED*
Waste 1 Nature:	*"NOT REPORTED"*
Waste 1 Type:	*"NOT REPORTED"*
Waste 2 Nature:	*"NOT REPORTED"*
Waste 2 Type:	*"NOT REPORTED"*
Enforcements:	*N*
Violations:	*N*
Fields Not Reported by the Source Agency for this Site:	*Epa ID(1), Facility Zip(1), Swis ID(1), Department of Defense Flag(1), Rank(1)*

VISTA Address*:	**CITY/COUNTY AIRPORT** **700 TIOGA** **MODESTO, CA 95354**	VISTA ID#:	2746913
		Distance/Direction:	0.37 MI / NE
		Plotted as:	Point

Map ID **5**

STATE LUST - State Leaking Underground Storage Tank / SRC# 145	Agency ID:	500211

Agency Address:	*CITY/COUNTY AIRPORT* *700 TIOGA* *MODESTO, CA 95351*
Case ID #:	*500211*
Facility Name:	*CITY/COUNTY AIRPORT*
Facility Address:	*700 TIOGA* *MODESTO, CA* *95351*
Facility County:	*STANISLAUS*

PROPERTY AND THE ADJACENT AREA (within 3/8 mile) CONT.

Staff:	*MTS*
Substance Released:	*JET FUEL*
Media Affected:	*SOIL CONTAMINATION ONLY*
Discovery Date:	*NOT REPORTED*
Facility Status:	*CASE CLOSED*
Program Oversight:	*LOCAL OVERSIGHT PROGRAM*

STATE LUST - State Leaking Underground Storage Tank / SRC# 164	EPA/Agency ID:	N/A

Agency Address:	*CITY/COUNTY AIRPORT* *700 TIOGA* *MODESTO, CA 95351*
Site Name:	*CITY/COUNTY AIRPORT*
Site Location:	*700 TIOGA* *MODESTO CA 95351-*
Site County:	*STANISLAUS*
Water Quality Control Board Region:	*05*
Case ID #:	*500211*
Media Affected:	*SOIL ONLY*
Lead Agency:	*LOCAL AGENCY LEAD*
Remediation Status:	*CASE CLOSED*
Substance Leaked:	*JET FUEL*
Abatement Method:	*ET* *CODE LOOKUP: CD-CAP SITE/CB-CONTAINMENT BARRIER/ED-EXCAVATE AND DISPOSE/ET-EXCAVATEAND TREAT/FP-REMOVE FREE PRODUCT/GT-PUMP AND TREATGW/RS-REPLACE SUPPLY/HU-TREATMENTAT HOOKUP/VS-VENT SOIL/VE-VACUUM EXTRACT/AS-AIR SPARGING/IT-ENHANCED BIODEGRADATION/OT-OTHER/NT-NO ACTION TAKEN/UK-UNKNOWN/NA-NO ACTION REQUIRED*
Enforcement Type:	*NONE TAKEN*
How was Leak Discovered:	*T*
How was Leak Stopped:	*CLOSE TANK*
MTBE Tested:	*NOT REQUIRED TO BE TESTED*
Program Type:	*LOCAL OVERSIGHT PROGRAM UST*
Repsonsible Party:	*CITY OF MODESTO*
Cause of Leak:	*UNKNOWN*
Source of Leak:	*UNKNOWN*
Longitude:	*37.6295378*
Latitude:	*-120.969169*
Summary:	*CLOSED PER RB CONCURRENCE LETTER DATED 07/10/96.*
Date Leak was Confirmed:	*5/16/91*
Date Preliminary Site Assessment Workpla:	*9/24/91*
Date Preliminary Site Assessment Began:	*5/21/91*
Date Remediation Plan Submitted:	*5/21/91*
Date Remedial Action Underway:	*5/21/91*
Date Case was Closed:	*7/10/96*
Date Leak was Discovered:	*5/16/91*
Date of Enforcement Action:	*7/2/91*
Reported Date:	*6/17/91*

PROPERTY AND THE ADJACENT AREA (within 3/8 mile) CONT.

Date Leak was Stopped:	*5/16/91*
Fields Not Reported by the Source Agency for this Site:	*Cross Street(1), Local Case ID #(1), Remediation Status(1), Funding By(1), MTBE Tested(1), Program Type(1), Substance Quantity Leaked (G)(1), Cause of Leak(1), Source of Leak(1), Date Pollution Characterization Began(1), Date Post Remedial Action Monitoring Beg(1), MTBE Date(1)*

SITES IN THE SURROUNDING AREA (within 3/8 - 1/2 mile)

VISTA Address*:	**USGS REPORTED WATER WELL** **CA 0**	VISTA ID#:	8886545	Map ID
		Distance/Direction:	0.40 MI / E	**6A**
		Plotted as:	Point	
USGS Wells - Federal Drinking Water Sources / SRC# 3		EPA/Agency ID:	N/A	

Agency Address:	*SAME AS ABOVE*
Facility State:	*CA*
Well ID:	*373724120575201*
Well Use Type:	*PUBLIC SUPPLY*
Well Depth	*57.00*
Well Latitude:	*37.623333333333*
Well Longitude:	*-120.9644444444*
Static Water Level:	*18.00*
Date Well Drilled:	*05/22/1965*
Well County Fips:	*6099*

VISTA Address*:	**ALMOUD** **1938 RIVER** **MODESTO, CA 95351**	VISTA ID#:	4013419	Map ID
		Distance/Direction:	0.48 MI / E	**6B**
		Plotted as:	Point	
STATE UST - State Underground Storage Tank / SRC# 45		EPA/Agency ID:	N/A	

Agency Address:	*SAME AS ABOVE*
Facility Name:	*ALMOUD*
Facility Address:	*1938 RIVER* *MODESTO, CA 95351*
Facility County:	*50000*
Total Underground Tanks:	*2*
Total Aboveground Tanks:	*NOT REPORTED*
Total Tanks Removed:	*0*
Tank ID #:	*880076-4*
Tank Contents:	*UNLEADED GAS*
Tank Age:	*0*
Tank Capacity:	*500 GALLONS*
Tank Status:	*ACTIVE/IN SERVICE*
Leak Monitor:	*MONITOR PRESENT*
Piping Type:	*UNKNOWN*
Tank Material:	*BARE STEEL*
Tank ID #:	*880076-4*
Tank Contents:	*LEADED GAS*

Tank Age:	*0*
Tank Capacity:	*0 GALLONS*
Tank Status:	*ACTIVE/IN SERVICE*
Leak Monitor:	*MONITOR PRESENT*
Piping Type:	*UNKNOWN*
Tank Material:	*BARE STEEL*

VISTA Address*:	**GALLO GLASS CO. 605 S. SANTA CRUZ AVE. MODESTO, CA 95354**	VISTA ID#:	164041
		Distance/Direction:	0.47 MI / NW
		Plotted as:	Point

Map ID **7**

TRIS - Toxic Release Inventory System / SRC# 2		EPA/Agency ID:	N/A
Agency Address:	*SAME AS ABOVE*		
Epa ID:	*CAD009107749*		
Facility Name:	*GALLO GLASS CO.*		
Facility Address:	*605 S. SANTA CRUZ AVE.*		
Facility City:	*MODESTO*		
Facility State:	*CA*		
Facility Zip:	*95354*		
Chemical Abstract Service Registry:	*NOT REPORTED*		
Quantity Released:	*0.00000000*		
Chemical Abstract Service Registry:	*NOT REPORTED*		
Quantity Released:	*0.00000000*		
Fields Not Reported by the Source Agency for this Site:	*Agency ID(1), Facility County(1)*		

CERCLIS / SRC# 17		Agency ID:	0901130
Agency Address:	*GALLO GLASS - SOUTH FIELD LANDFILL 615 S SANTA CRUZ AVE MODESTO, CA 95350*		
EPA ID:	*CAD009107749*		
Site ID:	*0901130*		
EPA Region:	*09*		
USGS Hydrologic Unit Code:	*18040002*		
Ownership Type:	*UNKNOWN*		
Federal Facility Indicator:	*NOT A FEDERAL FACILITY*		
NPL Status:	*NOT ON THE NPL*		
Hazardous Waste Docket Flag:	*NOT ON THE HAZARDOUS WASTEDOCKET*		
Action:	*DISCOVERY*		
Action Lead:	*EPA FUND-FINANCED*		
Scheduled Completion Date:	*APRIL 30, 1985*		
Actual Completion Date:	*APRIL 1, 1985*		
Action:	*HAZARD RANKING SCORE PACKAGE*		
Action Lead:	*STATE, FUND FINANCED*		
Scheduled Completion Date:	*SEPTEMBER 30, 1985*		
Actual Completion Date:	*AUGUST 1, 1985*		
Action:	*PRELIMINARY ASSESSMENT*		
Action Qualifier:	*LOW*		

Action Lead:	*STATE, FUND FINANCED*
Scheduled Completion Date:	*SEPTEMBER 30, 1985*
Actual Completion Date:	*AUGUST 1, 1985*
Action:	*SCREENING SITE INSPECTION*
Action Qualifier:	*HIGH*
Action Lead:	*STATE, FUND FINANCED*
Scheduled Completion Date:	*SEPTEMBER 30, 1985*
Actual Completion Date:	*AUGUST 1, 1985*
Action:	*SCREENING SITE INSPECTION*
Action Qualifier:	*HIGH*
Action Lead:	*EPA FUND-FINANCED*
Scheduled Completion Date:	*DECEMBER 30, 1989*
Actual Completion Date:	*DECEMBER 19, 1989*
Site Description:	*THIS SITE INCLUDES 3 LANDFILLS: SISK, SOUTHFIELD, AND RAFFLE.*
Operable Unit ID:	*00*
Operable Unit Name:	*SITEWIDE*
Fields Not Reported by the Source Agency for this Site:	*Financial Management System ID(1), Site Incident Category Description(2), Action Qualifier(2), Scheduled Start Date(5), Actual Start Date(5), (1), (1), (1), (1)*

SCL - State Equivalent CERCLIS List / SRC# 112	Agency ID:	50490013

Agency Address:	*GALLO GLASS - SOUTH FIELD LANDFILL* *615 SOUTH SANTA CRUZ AVENUE* *MODESTO, CA 95354*
Agency ID:	*50490013*
Facility Name:	*GALLO GLASS - SOUTH FIELD LANDFILL*
Facility Address:	*615 SOUTH SANTA CRUZ AVENUE* *MODESTO, CA. 95354*
Region:	*SACRAMENTO*
County:	*STANISLAUS*
Branch:	*CENTRAL CALIFORNIA*
Status Date:	*07301997*
Status:	*PEAR*
Status Description:	*PRELIMINARY ENDANGERMENT ASSESSMENT REQUIRED*
Lead Agency:	*N/A*
Type Name:	*N/A*
SIC Number:	*49*
SIC Name:	*ELECTRIC, GAS SANITARY SERVICES*
Number of Sources:	*0*
Latitude:	*0-DEG, 0-MIN, 0-SEC*
Latitude Direction:	*NOT REPORTED*
Longitude:	*0-DEG, 0-MIN, 0-SEC*
Longitude Direction:	*NOT REPORTED*
Alternate Address:	*615 SOUTH SANTA CRUZ AVENUE* *MODESTO, CA. 95354*
Alternate Name:	*GALLO GLASS - SOUTH FIELD LANDFILL*
Agency ID:	*50490013*

SITES IN THE SURROUNDING AREA (within 3/8 - 1/2 mile) CONT.

Comments:	*SITE PRIORITIZATION -- DTSCCOMPLETED A SITE PRIORITIZATION UNDER THE PA/SI COOPERATIVE AGREEMENT WITH USEPA. THE SITE PRIORITI- ZATION RECOMMENDED FURTHER SITE ASSESSMENT FOR USEPA ON A MEDIUM PRIORITY BASIS. USEPA CONCURRED WITH THE RECOMMENDATION.*
Fields Not Reported by the Source Agency for this Site:	*NPL(1), Tier(1), Fund(1), Water Control Board Region(1), Access(1), Cortese(1), Hazard Ranking Score(1), Hazard Ranking Date(1), Groundwater(1), Comment Key(1), Activity Number(1), Type of Activity(1), Comment Description(1), Completion Date(1), Estimated Years to Finish(1), Status at Start(1), Cubic Yards Removed(1), Gallons Removed(1), Yards Treated(1), Gallons Treated(1)*

SITES IN THE SURROUNDING AREA (within 1/2 - 3/4 mile)

VISTA Address*:	**USGS REPORTED WATER WELL** **CA 0**	VISTA ID#:	8886549	Map ID **8**
		Distance/Direction:	0.56 MI / W	
		Plotted as:	Point	
USGS Wells - Federal Drinking Water Sources / SRC# 3		EPA/Agency ID:	N/A	

Agency Address:	*SAME AS ABOVE*
Facility State:	*CA*
Well ID:	*373727120585901*
Well Use Type:	*PUBLIC SUPPLY*
Well Depth	*208.0*
Well Latitude:	*37.624166666666*
Well Longitude:	*-120.9830555555*
Static Water Level:	*46.00*
Date Well Drilled:	*01/01/1949*
Well County Fips:	*6099*

VISTA Address*:	**LA TOURETTE RESIDENCE** **2041 RIVER RD** **MODESTO, CA 95351**	VISTA ID#:	5717231	Map **9**
		Distance/Direction:	0.61 MI / E	
		Plotted as:	Point	
STATE LUST - State Leaking Underground Storage Tank / SRC# 145		Agency ID:	500365	

Agency Address:	*SAME AS ABOVE*
Case ID #:	*500365*
Facility Name:	*LA TOURETTE RESIDENCE*
Facility Address:	*2041 RIVER RD* *MODESTO, CA 95351*
Facility County:	*STANISLAUS*
Staff:	*MTS*
Substance Released:	*GASOLINE*
Media Affected:	*SOIL CONTAMINATION ONLY*
Discovery Date:	*NOT REPORTED*
Facility Status:	*CASE CLOSED*
Program Oversight:	*LOCAL IMPLEMENTING AGENCY*

STATE LUST - State Leaking Underground Storage Tank / SRC# 164		EPA/Agency ID:	N/A
Agency Address:	*SAME AS ABOVE*		
Site Name:	*LA TOURETTE RESIDENCE*		
Site Location:	*2041 RIVER RD*		

	MODESTO CA 95351-
Site County:	STANISLAUS
Water Quality Control Board Region:	05
Case ID #:	500365
Media Affected:	SOIL ONLY
Lead Agency:	LOCAL AGENCY LEAD
Remediation Status	CASE CLOSED
Substance Leaked:	GASOLINE
	CODE LOOKUP: CD-CAP SITE/CB-CONTAINMENT BARRIER/ED-EXCAVATE AND DISPOSE/ET-EXCAVATEAND TREAT/FP-REMOVE FREE PRODUCT/GT-PUMP AND TREATGW/RS-REPLACE SUPPLY/HU-TREATMENTAT HOOKUP/VS-VENT SOIL/VE-VACUUM EXTRACT/AS-AIR SPARGING/IT-ENHANCED BIODEGRADATION/OT-OTHER/NT-NO ACTION TAKEN/UK-UNKNOWN/NA-NO ACTION REQUIRED
Enforcement Type:	NONE TAKEN
How was Leak Discovered:	TANK CLOSURE
How was Leak Stopped:	CLOSE TANK
MTBE Tested	SITE NOT TESTED FOR MTBE
Program Type	LOCAL IMPLEMENTING AGENCY UST
Repsonsible Party:	LA TOURETTE TRUST
Cause of Leak	CORROSION
Source of Leak	TANK
Longitude:	37.621244
Latitude:	-120.9588516
Summary:	CLOSED PER RB CONCURRENCE LETTER DATED 10/10/96.
Date Leak was Confirmed:	7/21/95
Date Case was Closed:	10/10/96
Date Leak was Discovered:	7/21/95
Reported Date:	7/21/95
Date Leak was Stopped:	7/21/95
Fields Not Reported by the Source Agency for this Site:	Cross Street(1), Local Case ID #(1), Remediation Status(1), Abatement Method(1), Funding By(1), How was Leak Discovered(1), MTBE Tested(1), Substance Quantity Leaked (G)(1)

VISTA Address*:	**USGS REPORTED WATER WELL CA 0**	VISTA ID#:	8886503
		Distance/Direction:	0.65 MI / SE
		Plotted as:	Point
USGS Wells - Federal Drinking Water Sources / SRC# 3		EPA/Agency ID:	N/A

Map ID **10**

Agency Address:	SAME AS ABOVE
Facility State:	CA
Well ID:	373704120575301
Well Use Type:	PUBLIC SUPPLY
Well Depth	100.0
Well Latitude:	37.617777777777
Well Longitude:	-120.9647222222
Date Well Drilled:	01/01/1964
Well County Fips:	6099

VISTA Address*:	FAIRBANKS TRUCKING, INC. 801 OREGON MODESTO, CA 95354	VISTA ID#:	1205155
		Distance/Direction:	0.65 MI / NW
		Plotted as:	Point

Ma

1.

STATE LUST - State Leaking Underground Storage Tank / SRC# 145		Agency ID:	500008
Agency Address:	*FAIRBANKS TRUCKING 801 OREGON DR MODESTO, CA 95354*		
Case ID #:	*500008*		
Facility Name:	*FAIRBANKS TRUCKING*		
Facility Address:	*801 OREGON DR*		
	MODESTO, CA 95354		
Facility County:	*STANISLAUS*		
Staff:	*MTS*		
Substance Released:	*GASOLINE*		
Media Affected:	*AQUIFER USED FOR DRINKING WATER*		
Discovery Date:	*NOT REPORTED*		
Facility Status:	*CASE CLOSED*		
Program Oversight:	*LOCAL OVERSIGHT PROGRAM*		

STATE LUST - State Leaking Underground Storage Tank / SRC# 164		EPA/Agency ID:	N/A
Agency Address:	*FAIRBANKS TRUCKING 801 OREGON DR MODESTO, CA 95354*		
Site Name:	*FAIRBANKS TRUCKING*		
Site Location:	*801 OREGON DR*		
	MODESTO CA 95354-		
Site County:	*STANISLAUS*		
Water Quality Control Board Region:	*05*		
Case ID #:	*500008*		
Media Affected:	*AQUIFER USED FOR DRINKING WATER*		
Lead Agency:	*LOCAL AGENCY LEAD*		
Remediation Status	*CASE CLOSED*		
Substance Leaked:	*GASOLINE*		
Abatement Method	*ED*		
	CODE LOOKUP: CD-CAP SITE/CB-CONTAINMENT BARRIER/ED-EXCAVATE AND DISPOSE/ET-EXCAVATEAND TREAT/FP-REMOVE FREE PRODUCT/GT-PUMP AND TREATGW/RS-REPLACE SUPPLY/HU-TREATMENTAT HOOKUP/VS-VENT SOIL/VE-VACUUM EXTRACT/AS-AIR SPARGING/IT-ENHANCED BIODEGRADATION/OT-OTHER/NT-NO ACTION TAKEN/UK-UNKNOWN/NA-NO ACTION REQUIRED		
Enforcement Type:	*NONE TAKEN*		
How was Leak Discovered	*TANK CLOSURE*		
How was Leak Stopped:	*CLOSE TANK*		
MTBE Tested	*SITE NOT TESTED FOR MTBE*		
Program Type	*LOCAL OVERSIGHT PROGRAM UST*		
Repsonsible Party:	*EJ GALLO*		
Cause of Leak	*CORROSION*		
Source of Leak	*TANK*		
Longitude:	*37.6309627*		
Latitude:	*-120.9798753*		

SITES IN THE SURROUNDING AREA (within 1/2 - 3/4 mile) CONT.

Summary:	*CLOSED PER RB CONCURRENCE LETTER DATED 10/10/96.*
Date Leak was Confirmed:	*11/24/86*
Date Preliminary Site Assessment Workpla:	*11/24/86*
Date Preliminary Site Assessment Began:	*3/20/87*
Date Remedial Action Underway:	*6/16/87*
Date Post Remedial Action Monitoring Beg	*11/9/87*
Date Case was Closed:	*10/10/96*
Date Leak was Discovered:	*10/29/86*
Reported Date:	*3/7/91*
Date Leak was Stopped:	*10/21/86*
Fields Not Reported by the Source Agency for this Site:	*Cross Street(1), Local Case ID #(1), Media Affected(1), Remediation Status(1), Funding By(1), How was Leak Discovered(1), MTBE Tested(1), Program Type(1), Substance Quantity Leaked (G)(1), Date Pollution Characterization Began(1), Date Remediation Plan Submitted(1), Date of Enforcement Action(1), MTBE Date(1)*

VISTA Address*:	**MARTINEZ PROPERTY** **1627 NADINE ST** **MODESTO, CA 95351**	VISTA ID#:	3079531
		Distance/Direction:	0.71 MI / S
		Plotted as:	Point
SCL - State Equivalent CERCLIS List / SRC# 112		Agency ID:	50650002

Map ID **12**

Agency Address:	*MARTINEZ PROPERTY* *1627 NADINE STREET* *MODESTO, CA 95351*
Agency ID:	*50650002*
Facility Name:	*MARTINEZ PROPERTY*
Facility Address:	*1627 NADINE STREET* *MODESTO, CA. 95351*
Region:	*SACRAMENTO*
County:	*STANISLAUS*
Branch:	*CENTRAL CALIFORNIA*
Status Date:	*07011983*
Status:	*CERT*
Status Description:	*CERTIFIED*
Lead Agency:	*N/A*
Type Name:	*N/A*
SIC Number:	*65*
SIC Name:	*REAL ESTATE*
Number of Sources:	*0*
Latitude:	*0-DEG, 0-MIN, 0-SEC*
Latitude Direction:	*NOT REPORTED*
Longitude:	*0-DEG, 0-MIN, 0-SEC*
Longitude Direction:	*NOT REPORTED*
Alternate Address:	*1627 NADINE STREET* *MODESTO, CA. 95351*
Alternate Name:	*MARTINEZ PROPERTY*
Alternate Name:	*MARTINEZ SITE*

Comment Key	*2*
Activity Number	*SS*
Completion Date	*12301987*
Estimated Years to Finish	*0*
Status at Start	*CERTIFIED*
Cubic Yards Removed	*0*
Gallons Removed	*0*
Yards Treated	*0*
Gallons Treated	*0*
Comment Key	*1*
Activity Number	*CERT*
Type of Activity	*CERTIFICATION*
Completion Date	*07011983*
Estimated Years to Finish	*0*
Status at Start	*CERTIFIED*
Cubic Yards Removed	*0*
Gallons Removed	*0*
Yards Treated	*0*
Gallons Treated	*0*
Agency ID:	*50650002*
Comments:	*SITE SCREENING DONE: CLEAN-UP COMPLETE. NO FURTHER ACTION NECESSARY. SITE CERTIFIED JULY 1983. 40 CUBIC YARDS OF BRICK AND SOIL CONTAMINATED WITH CHROMIUM WAS REMOVED FROM THIS RESIDENTS HOUSE.*
Fields Not Reported by the Source Agency for this Site:	*NPL(1), Tier(1), Fund(1), Water Control Board Region(1), Access(1), Cortese(1), Hazard Ranking Score(1), Hazard Ranking Date(1), Groundwater(1), Type of Activity(1), Comment Description(2)*

VISTA Address*:	**HOAGLAND TRANSPORT SERVICE** **445 BYSTROM RD** **MODESTO, CA 95357**	VISTA ID#: Distance/Direction: Plotted as:	64564214 0.73 MI / W Point

Map ID **13**

STATE LUST - State Leaking Underground Storage Tank / SRC# 145	Agency ID:	500068
Agency Address:	*SAME AS ABOVE*	
Case ID #:	*500068*	
Facility Name:	*HOAGLAND TRANSPORT SERVICE*	
Facility Address:	*445 BYSTROM RD*	
	MODESTO, CA 95357	
Facility County:	*STANISLAUS*	
Staff:	*MTS*	
Substance Released:	*GASOLINE*	
Media Affected:	*AQUIFER USED FOR DRINKING WATER*	
Discovery Date:	*NOT REPORTED*	
Facility Status:	*CASE CLOSED*	
Program Oversight:	*LOCAL OVERSIGHT PROGRAM*	

STATE LUST - State Leaking Underground Storage Tank / SRC# 164	EPA/Agency ID:	N/A
Agency Address:	*SAME AS ABOVE*	
Site Name:	*HOAGLAND TRANSPORT SERVICE*	
Site Location:	*445 BYSTROM RD*	

	MODESTO CA 95357-
Site County:	STANISLAUS
Water Quality Control Board Region:	05
Case ID #:	500068
Media Affected	AQUIFER USED FOR DRINKING WATER
Lead Agency:	LOCAL AGENCY LEAD
Remediation Status	CASE CLOSED
Substance Leaked:	GASOLINE
	CODE LOOKUP: CD-CAP SITE/CB-CONTAINMENT BARRIER/ED-EXCAVATE AND DISPOSE/ET-EXCAVATEAND TREAT/FP-REMOVE FREE PRODUCT/GT-PUMP AND TREATGW/RS-REPLACE SUPPLY/HU-TREATMENTAT HOOKUP/VS-VENT SOIL/VE-VACUUM EXTRACT/AS-AIR SPARGING/IT-ENHANCED BIODEGRADATION/OT-OTHER/NT-NO ACTION TAKEN/UK-UNKNOWN/NA-NO ACTION REQUIRED
Enforcement Type:	NONE TAKEN
How was Leak Discovered	TANK CLOSURE
How was Leak Stopped:	CLOSE TANK
MTBE Tested	MTBE DETECTED
Program Type	LOCAL OVERSIGHT PROGRAM UST
Repsonsible Party:	HOAGLAND, LYNN
Source of Leak	TANK
Longitude:	37.6244349
Latitude:	-120.9845913
Summary:	ADDRESS CHANGED FROM 460 TO445
Date Leak was Confirmed:	12/29/86
Date Preliminary Site Assessment Began:	3/31/87
Date Pollution Characterization Began	5/31/91
Date Remediation Plan Submitted	9/21/89
Date Case was Closed:	5/26/99
Date Leak was Discovered:	12/22/86
MTBE Date	1/26/98
Reported Date:	12/29/86
Fields Not Reported by the Source Agency for this Site:	Cross Street(1), Local Case ID #(1), Media Affected(1), Remediation Status(1), Abatement Method(1), Funding By(1), How was Leak Discovered(1), Program Type(1), Substance Quantity Leaked (G)(1), Cause of Leak(1), Date Preliminary Site Assessment Workpla(1), Date Remedial Action Underway(1), Date Post Remedial Action Monitoring Beg(1), Date of Enforcement Action(1), Date Leak was Stopped(1)

VISTA Address*:	**HOAGLAND TRANSPORT SERVIC** **445 BYSTROM** **MODESTO, CA 95357**	VISTA ID#: Distance/Direction: Plotted as:	1604694 0.74 MI / W Point
CORTESE / SRC# 53		EPA/Agency ID:	N/A

Map ID **13**

Agency Address:	SAME AS ABOVE
Agency ID:	500068
Facility Name:	HOAGLAND TRANSPORT SERVIC
Facility Address:	445 BYSTROM
Facility City:	MODESTO
Facility State:	CA

Facility Zip:	*95357*
Facility County:	*50*
Tracking Program:	*LEAKING TANK*
Site ID:	*500068*
Fields Not Reported by the Source Agency for this Site:	*Epa ID(1), Is Sites(1)*

VISTA Address*:	**GILTON SOLID WASTE MGMT** **1722 MONO DR** **MODESTO, CA 95354**	VISTA ID#: Distance/Direction: Plotted as:	171743 0.74 MI / N Point

Map ID **14**

STATE LUST - State Leaking Underground Storage Tank / SRC# 145	Agency ID:	500176
Agency Address:	*GILTON SOLID WASTE* *1722 MONO DR* *MODESTO, CA 95354*	
Case ID #:	*500176*	
Facility Name:	*GILTON SOLID WASTE*	
Facility Address:	*1722 MONO DR*	
	MODESTO, CA 95354	
Facility County:	*STANISLAUS*	
Staff:	*MTS*	
Substance Released:	*GASOLINE*	
Media Affected:	*SOIL CONTAMINATION ONLY*	
Discovery Date:	*NOT REPORTED*	
Facility Status:	*CASE CLOSED*	
Program Oversight:	*LOCAL OVERSIGHT PROGRAM*	

STATE LUST - State Leaking Underground Storage Tank / SRC# 164	EPA/Agency ID:	N/A
Agency Address:	*GILTON SOLID WASTE* *1722 MONO DR* *MODESTO, CA 95354*	
Site Name:	*GILTON SOLID WASTE*	
Site Location:	*1722 MONO DR*	
	MODESTO CA 95354-	
Site County:	*STANISLAUS*	
Water Quality Control Board Region:	*05*	
Case ID #:	*500176*	
Media Affected	*SOIL ONLY*	
Lead Agency:	*LOCAL AGENCY LEAD*	
Remediation Status	*CASE CLOSED*	
Substance Leaked:	*GASOLINE*	
Abatement Method	*VE*	
	CODE LOOKUP: CD-CAP SITE/CB-CONTAINMENT BARRIER/ED-EXCAVATE AND DISPOSE/ET-EXCAVATEAND TREAT/FP-REMOVE FREE PRODUCT/GT-PUMP AND TREATGW/RS-REPLACE SUPPLY/HU-TREATMENTAT HOOKUP/VS-VENT SOIL/VE-VACUUM EXTRACT/AS-AIR SPARGING/IT-ENHANCED BIODEGRADATION/OT-OTHER/NT-NO ACTION TAKEN/UK-UNKNOWN/NA-NO ACTION REQUIRED	
Enforcement Type:	*NONE TAKEN*	
How was Leak Discovered	*TANK CLOSURE*	
How was Leak Stopped:	*CLOSE TANK*	

SITES IN THE SURROUNDING AREA (within 1/2 - 3/4 mile) CONT.

MTBE Tested	*SITE NOT TESTED FOR MTBE*
Program Type	*LOCAL OVERSIGHT PROGRAM UST*
Repsonsible Party:	*GILTON SOLID WASTE*
Cause of Leak	*UNKNOWN*
Source of Leak	*UNKNOWN*
Longitude:	*37.6375206*
Latitude:	*-120.9708292*
Date Leak was Confirmed:	*5/16/90*
Date Preliminary Site Assessment Workpla	*6/22/92*
Date Preliminary Site Assessment Began:	*4/2/92*
Date Case was Closed:	*2/18/97*
Date Leak was Discovered:	*5/3/90*
Date of Enforcement Action	*5/29/90*
Reported Date:	*5/3/90*
Fields Not Reported by the Source Agency for this Site:	*Cross Street(1), Local Case ID #(1), Remediation Status(1), Funding By(1), How was Leak Discovered(1), MTBE Tested(1), Program Type(1), Substance Quantity Leaked (G)(1), Cause of Leak(1), Source of Leak(1), Summary(1), Date Pollution Characterization Began(1), Date Remediation Plan Submitted(1), Date Remedial Action Underway(1), Date Post Remedial Action Monitoring Beg(1), MTBE Date(1), Date Leak was Stopped(1)*

VISTA Address*:	**USGS REPORTED WATER WELL** **CA 0**	VISTA ID#:	8886645
		Distance/Direction:	0.74 MI / NE
		Plotted as:	Point
USGS Wells - Federal Drinking Water Sources / SRC# 3		EPA/Agency ID:	N/A

Map ID **15**

Agency Address:	*SAME AS ABOVE*
Facility State:	*CA*
Well ID:	*373814120580201*
Well Use Type:	*PUBLIC SUPPLY*
Well Depth	*144.0*
Well Latitude:	*37.637222222222*
Well Longitude:	*-120.9672222222*
Date Well Drilled:	*01/01/1967*
Well County Fips:	*6099*

SITES IN THE SURROUNDING AREA (within 3/4 - 1 1/4 miles)

No Records Found

UNMAPPED SITES

VISTA Address*:	CERES RANCH SERVICE JENNINGS CERES, CA 95307	VISTA ID#:	65001215
STATE LUST - State Leaking Underground Storage Tank / SRC# 145		Agency ID:	500101

Agency Address:	*SAME AS ABOVE*
Case ID #:	*500101*
Facility Name:	*CERES RANCH*
Facility Address:	*SERVICE JENNINGS* *CERES, CA* *95307*
Facility County:	*STANISLAUS*
Staff:	*KAT*
Substance Released:	*GASOLINE*
Media Affected:	*SOIL CONTAMINATION ONLY*
Discovery Date:	*NOT REPORTED*
Facility Status:	*CASE CLOSED*
Program Oversight:	*LOCAL OVERSIGHT PROGRAM*

VISTA Address*:	MODESTO CITY DISPOSAL SITE, AIRPORT TIOGA RD AT CITY COUNTY AIRPORT MODESTO, CA 0	VISTA ID#:	67139391
STATE SWLF - Solid Waste Landfill / SRC# 163		Agency ID:	50-CR-0009

Agency Address:	*SAME AS ABOVE*
Site Name:	*MODESTO CITY DISPOSAL SITE,AIRPORT*
Site Address:	*TIOGA RD AT CITY COUNTY AIRPORT*
Site City:	*MODESTO*
Site State:	*CA*
Site County:	*STANISLAUS*
SWIS No:	*50-CR-0009*
Latitude:	*37.62413*
Longitude:	*-120.96004*
Facility Life:	*NOT REPORTED*
Unit No:	*01*
Category:	*DISPOSAL*
Activity:	*SOLID WASTE DISPOSAL SITE*
Regulatory Status:	*PRE-REGULATIONS*
Operational Status:	*CLOSED*
Inspection Frequency:	*ANNUAL*
Throughput:	*0*
Capacity:	*0*
Acreage:	*0*
Disposal Acreage:	*0*
Remaining Capacity:	*0*
Last Tire Inspection Count:	*0*
Original Tire Count:	*0*

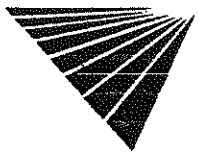
Owner Name:	*CITY OF MODESTO/COUNTY OF STANISLAUS*
Owner Address:	*P.O. BOX 642*
	MODESTO, CA
	95353
Owner Phone:	*2095775494*
Owner Name:	*TUOLUMNE RIVER REGIONAL PARK*
Owner Address:	*P.O. BOX 642*
	MODESTO, CA
	95353
Owner Phone:	*2095775494*
Fields Not Reported by the Source Agency for this Site:	*Surrounding Land Use(1), Operator Name(1), Operator Phone(1), Operator Address(1), Operator Address2(1), Operator City(1), Operator State(1), Operator Zip(1), Permit Date(1), Permit Status(1), Waste Type(s)(1), Closure Date(1), Closure Type(1), Last Tire Inspection Count Date(1), Original Tire Count Date(1)*

VISTA Address*:	**INDUSTRIAL CHEMICAL DIVISION** **1200 BARIUM RD** **MODESTO, CA 95352**	VISTA ID#:	1179485
WMUDS / SRC# 68		EPA/Agency ID:	N/A

Agency Address:	*INDUSTRIAL CHEMICAL DIVISION* *1200 BARIUM RD* *MODESTO, CA 0*
Agency ID:	*5C500303002*
Facility Name:	*INDUSTRIAL CHEMICAL DIVISION*
Facility Address:	*1200 BARIUM RD*
Facility City:	*MODESTO*
Facility State:	*CA*
Facility County:	*STANISLAUS*
Facility Type:	*INDUSTRIAL - FACILITIES THATTREAT AND/OR DISPOSE OF LIQUID OR SEMISOLID WASTES FROMANY SERVICING, PRODUCING, MANUFACTURING OR PROCESSING OPERATION OF WHATEVER NATURE,INCLUDING MINING, GRAVEL WASHING, GEOTHERMAL OPERATIONS, AIR CONDITIONING, SHIP BUILDI*
Waste Discharger System Flag:	*T*
Chapter 15 Facility Flag:	*T*
Solid Waste Assessment Flag:	*F*
Toxic Pits Flag:	*F*
RCRA Flag:	*F*
Open To Public:	*F*
Number of Waste Management Units:	*1*
Threat To Water:	*MAJOR THREAT TO WATER QUALITY*
Complexity:	*CATEGORY A - ANY MAJOR NPDESFACILITY, ANY NON-NPDES FACILITY (PARTICULARILY THOSE WITH TOXIC WASTES) THAT BE AMAJOR IF DISCHARGE WAS MADETO SURFACE OR GROUND WATERS,OR ANY CLASS I DISPOAL SITE. INCLUDES DETECTION SYSTEMS OR GROUND WATER MONITORINGWE*
Facility Status:	*HISTORICAL - ANY REGULATED FACILITY FOR WHICH THE REGIONAL BOARD HAS . RESCINDED ALL WDRS OR CONSCIOUSLY ALLOWED AN NPOS PERMIT TO EXPIRE. THOSE FACILITIES THAT ARE NOTUNDER WASTE DISCHARGE REQUIREMENTS (WURDS) MAY BE SET TOHISTORY WHEN THE REGIONAL BOAR*
Waste 1 Nature:	*"DESIGNATED - INFLUENT OR SOLID WASTES THAT CONTAIN NONHAZARDOUS WASTES THAT POSE ASIGNIFICANT THREAT TO WATERQUALITY BECAUSE OF THEIR HIGH CONCENTRATIONS (E.G. 800 HARDNESS, TRF, CHLORIDE). 'MANAGEABLE' HAZARDOUS WASTES(E.G. INORGANIC SALTS AND HEAVY*
Waste 1 Type:	*"PROCESS WASTE"*
Waste 2 Nature:	*"NOT REPORTED"*

UNMAPPED SITES CONT.

Waste 2 Type:	*"NOT REPORTED"*
Enforcements:	*Y*
Violations:	*N*
Fields Not Reported by the Source Agency for this Site:	*Epa ID(1), Facility Zip(1), Swis ID(1), Department of Defense Flag(1), Rank(1)*



SITE ASSESSMENT PLUS REPORT
(EXTENDED BY 1/4 MILE)

DESCRIPTION OF DATABASES SEARCHED

A) DATABASES SEARCHED TO 1 1/4 MILES

NPL
SRC#: 19

VISTA conducts a database search to identify all sites within 1.25 mile of your property.
The agency release date for National Priorities List was October, 2001.

The NPL Report is the US EPA's registry of the nation's worst uncontrolled or abandoned hazardous waste sites. NPL sites are targeted for possible long-term remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980.

SPL
SRC#: 113

VISTA conducts a database search to identify all sites within 1.25 mile of your property.
The agency release date for CalSites Database was October, 2000.

This database is provided by the Cal. Environmental Protection Agency, Dept. of Toxic Substances Control. The agency may be contacted at: 916-323-3400.

CORRACTS
SRC#: 14

VISTA conducts a database search to identify all sites within 1.25 mile of your property.
The agency release date for RCRIS Corrective Action Sites was August, 2001.

The CORRACTS database contains information concerning RCRA facilities that have conducted, or are currently conducting a corrective action. A Corrective Action Order is issued pursuant to RCRA Section 3008 (h) when there has been a release of hazardous waste or constituents into the environment from a RCRA facility. Corrective actions may also be imposed as a requirement of receiving and maintaining a TSDF permit.

RCRIS-TSDC
SRC#: 556

VISTA conducts a database search to identify all sites within 1.25 mile of your property.
The agency release date for RCRIS TSDs Subject to Corrective Action was August, 2001.

The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Facilities database is a compilation by the EPA of facilities which report generation, storage, transportation, treatment or disposal of hazardous waste. RCRA TSDCs are treatment, storage and/or disposal facilities that are subject to corrective action under RCRA.

B) DATABASES SEARCHED TO 3/4 MILE

CERCLIS
SRC#: 17

VISTA conducts a database search to identify all sites within 3/4 mile of your property.
The agency release date for Comprehensive Environmental Response, Compensation and Liability Information Sys was October, 2001.

The CERCLIS database is a comprehensive listing of known or suspected uncontrolled or abandoned hazardous waste sites. These sites have either been investigated, or are currently under investigation by the U.S. EPA for the release, or threatened release of hazardous substances. Once a site is placed in CERCLIS, it may be subjected to several levels of review and evaluation, and ultimately placed on the National Priorities List (NPL).

NFRAP
SRC#: 18

VISTA conducts a database search to identify all sites within 3/4 mile of your property.
The agency release date for No Further Remedial Action Planned was October, 2001.

The No Further Remedial Action Planned Report (NFRAP), also known as the CERCLIS Archive, contains information pertaining to sites which have been removed from the U.S. EPA's CERCLIS database. NFRAP sites may be sites where, following an initial investigation, either no contamination was found, contamination was removed quickly without need for the site to be placed on the NPL, or the contamination was not serious enough to require federal Superfund action or NPL consideration.

SCL
SRC#: 112

VISTA conducts a database search to identify all sites within 3/4 mile of your property.
The agency release date for CalSites Database was October, 2000.

This database is provided by the Department of Toxic Substances Control. Two- thirds of these sites have been classified, based on available information, as needing "No Further Action" (NFA) by the Department of Toxic Substances Control. The remaining sites are in various stages of review and remediation to determine if a problem exists at the site. Several hundred sites have been remediated and are considered certified. Some of these sites may be in long term operation and maintenance.

RCRIS-TSD
SRC#: 12

VISTA conducts a database search to identify all sites within 3/4 mile of your property.
The agency release date for RCRIS Treatment, Storage and Disposal Facilities was August, 2001.

The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Facilities database is a compilation by the EPA of facilities which report generation, storage, transportation, treatment or disposal of hazardous waste. RCRA TSDs are facilities which treat, store and/or dispose of hazardous waste.

SWLF
SRC#: 23

VISTA conducts a database search to identify all sites within 3/4 mile of your property.
The agency release date for USGS Solid Waste Landfills was December, 1991.

This database is provided by the United States Geological Survey. The agency may be contacted at: 703-648-5613.

SWLF
SRC#: 163

VISTA conducts a database search to identify all sites within 3/4 mile of your property.
The agency release date for Solid Waste Inventory System was November, 2001.

This database is provided by the Integrated Waste Management Board. The agency may be contacted at: 916-255-4021.

WMUDS
SRC#: 68

VISTA conducts a database search to identify all sites within 3/4 mile of your property.
The agency release date for Waste Management Unit Data System was February, 1999.

This database is provided by the State Water Resources Control Board. The agency may be contacted at: 530-892-0323. This is used for program tracking and inventory of waste management units. This system contains information from: Facility, Waste Management Unit, SWAT Program and Report Summary Information, Chapter 15 (formerly Subchapter 15), TPCA and RCRA Program Information, Closure Information; also some information from the WDS (Waste Discharge System).

SPILLS
SRC#: 147

VISTA conducts a database search to identify all sites within 3/4 mile of your property.
The agency release date for Region 5 SLIC/DOD/DOE Site List was July, 2001.

This database is provided by the Regional Water Quality Control Board, Region #5. The agency may be contacted at: 916-255-3000.

LUST-REG
SRC#: 108

VISTA conducts a database search to identify all sites within 3/4 mile of your property.
The agency release date for Region 6 Leaking Underground Storage Tanks was July, 2001.

This database is provided by the Lahontan Region Six South Lake Tahoe. The agency may be contacted at: 530-542-5400.

LUST-REG
SRC#: 145

VISTA conducts a database search to identify all sites within 3/4 mile of your property.
The agency release date for Region 5 Leaking Underground Storage Tanks was July, 2001.

This database is provided by the Regional Water Quality Control Board, Region #5. The agency may be contacted at: 916-255-3125.

LUST
SRC#: 164

VISTA conducts a database search to identify all sites within 3/4 mile of your property.
The agency release date for Leaking Underground Storage Tank Information System was August, 2001.

This database is provided by the California Environmental Protection Agency. The agency may be contacted at: 916-341-5740.

CORTESE
SRC#: 53

VISTA conducts a database search to identify all sites within 3/4 mile of your property.
The agency release date for Cortese List - Hazardous Waste Substance Site List was April, 1998.

This database is provided by the Office of Environmental Protection, Office of Hazardous Materials. The agency may be contacted at: 916-445-6532. The California Governor's Office of Planning and Research annually publishes a listing of potential and confirmed hazardous waste sites throughout the State of California under Government Code Section 65962.5. This database (CORTESE) is based on input from the following: (1)CALSITES-Department of Toxic Substances Control, Abandoned Sites Program Information Systems; (2)SARA Title III Section III Toxic Chemicals Release Inventory for 1987, 1988, 1989, and 1990; (3)FINDS; (4)HWIS-Department of Toxic Substances Control, Hazardous Waste Information System. Vista has not included one time generator facilities from Cortese in our database.; (5)SWRCB-State Water Resources Control Board; (6)SWIS-Integrated Waste Management Control Board (solid waste facilities); (7)AGT25-Air Resources Board, dischargers of greater than 25 tons of criteria pollutants to the air; (8)A1025-Air Resources Board, dischargers of greater than 10 and less than 25 tons of criteria pollutants to the air; (9)LTANK-SWRCB Leaking Underground Storage Tanks; (10)UTANK-SWRCB Underground tanks reported to the SWEEPS systems; (11)IUR-Inventory Update Rule (Chemical Manufacturers); (12)WB-LF- Waste Board - Leaking Facility, site has known migration; (13)WDSE-Waste Discharge System - Enforcement Action; (14)DTSCD-Department of Toxic Substance Control Docket.

BORDER-ZON
SRC#: 46

VISTA conducts a database search to identify all sites within 3/4 mile of your property.
The agency release date for Deed Restriction Properties Report was October, 2001.

The Deeds Restrictions list, also known as the Border Zone Property List, contains information concerning voluntary deed restriction. These agreements are made with owners of property who propose building residences, schools, hospitals, or day care centers on property that is on or within 2,000 feet of potentially hazardous waste site.

TOXICPITS
SRC#: 49

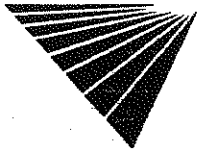
VISTA conducts a database search to identify all sites within 3/4 mile of your property.
The agency release date for Toxic Pits was February, 1995.

This database is provided by the Water Quality Control Board, Division of Loans Grants. The agency may be contacted at: 916-227-4396.

USGS-WELLS
SRC#: 3

VISTA conducts a database search to identify all sites within 3/4 mile of your property.
The agency release date for USGS Water Wells was March, 1998.

The Ground Water Site Inventory (GWSI) database was provided by the United States Geological Survey (USGS). The database contains information for over 1,000,000 wells and other sources of groundwater which the USGS has studied, used or documented during research.



C) DATABASES SEARCHED TO 1/2 MILE

RCRIS-VIOL
SRC#: 11

VISTA conducts a database search to identify all sites within 1/2 mile of your property.
The agency release date for RCRIS Facilities with Violations was August, 2001.

The Resource Conservation and Recovery Act Information System (RCRIS) identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRIS Violations report contains information concerning facilities that have been cited for violations of RCRA, as well as any enforcement actions taken against the facility.

UST
SRC#: 45

VISTA conducts a database search to identify all sites within 1/2 mile of your property.
The agency release date for Underground Storage Tanks was January, 1994.

This historical database is provided by the State Water Resources Control Board, Office of Underground Storage Tanks. Please refer to the local level UST list for more current information. Be advised that some states do not require registration of heating oil tanks, especially those used for residential purposes.

AST
SRC#: 60

VISTA conducts a database search to identify all sites within 1/2 mile of your property.
The agency release date for Aboveground Storage Tanks was January, 2001.

This database is provided by the State Water Resources Control Board. The agency may be contacted at: 916-227-4364.

TRIS
SRC#: 2

VISTA conducts a database search to identify all sites within 1/2 mile of your property.
The agency release date for Toxic Release Inventory System was January, 1998.

All facilities that manufacture, process, or import toxic chemicals in quantities in excess of 25,000 pounds per year are required to register with the EPA under Section 313 of the Superfund Amendments and Reauthorization Act (SARA Title III) of 1986. Data contained in the TRIS system covers approximately 20,000 sites and 75,000 chemical releases.

D) DATABASES SEARCHED TO 3/8 MILE

ERNS
SRC#: 8

VISTA conducts a database search to identify all sites within .375 mile of your property.
The agency release date for Emergency Response Notification System was December, 2000.

ERNS is a national computer database system that is used to store information on the sudden and/or accidental release of hazardous substances, including petroleum, into the environment. The ERNS reporting system contains preliminary information on specific releases, including the spill location, the substance released, and the responsible party.

RCRA-LQG
SRC#: 16

VISTA conducts a database search to identify all sites within .375 mile of your property.
The agency release date for RCRIS Large Quantity Generators was August, 2001.

The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Facilities database is a compilation by the EPA of facilities which report generation, storage, transportation, treatment or disposal of hazardous waste. RCRA Large Generators are facilities which generate at least 1000 kg./month of non-acutely hazardous waste (or 1 kg./month of acutely hazardous waste).

RCRIS-SQG
SRC#: 15

VISTA conducts a database search to identify all sites within .375 mile of your property.
The agency release date for RCRIS Small Quantity Generators was August, 2001.

The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Facilities database is a compilation by the EPA of facilities which report generation, storage, transportation, treatment or disposal of hazardous waste. RCRA Small Quantity Generators are facilities which generate less than 1000 kg./month of non-acutely hazardous waste.

RCRIS-NOTI
SRC#: 1298

VISTA conducts a database search to identify all sites within .375 mile of your property.
The agency release date for RCRIS Notifiers was August, 2001.

The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal.The RCRIS Notifiers contains information on formerly regulated RCRA sites with more complete historical information.

End of Report

EXHIBIT "E"

ORVILLE WRIGHT NEIGHBORHOOD PARK
MITIGATION MONITORING PLAN

MITIGATION MONITORING AND REPORTING PROGRAM
FOR ORVILLE WRIGHT NEIGHBORHOOD PARK.
(Pursuant to Mitigated Negative Declaration EA/PR&N-2002-01)

1.0 INTRODUCTION

This mitigation and monitoring program has been prepared by the City of Modesto for Orville Wright Neighborhood Park. CEQA Section 21081.6 requires public agencies to adopt a mitigation reporting or monitoring program when adopting a Mitigated Negative Declaration. Monitoring programs are designed to ensure that all mitigation measures described in the Negative Declaration are carried out.

2.0 SCOPE

The program described below applies to all mitigation measures described in the Initial Study/Mitigated Negative Declaration, dated January 28, 2002, prepared for the project. The components of project mitigation were reviewed and approved by the City of Modesto's Parks, Recreation and Neighborhoods, Engineering and Transportation, Operations and Maintenance, and Community Development staff.

3.0 MITIGATION

LOSS OF WILDLIFE/PLANT HABITAT:

All mitigation measures are included in the Design Development Report for Orville Wright Neighborhood Park. When the construction documents are completed for Orville Wright Neighborhood Park, all mitigation measures shall be included in those documents also.

Implementation for all Loss of Wildlife/Plant Habitat Mitigation Measures:

When the development of Orville Wright Neighborhood Park is proposed, the City shall assure implementation of these mitigation measures at a level and timing consistent with the Mitigated Negative Declaration.

Responsible Agency for all Orville Wright Neighborhood Park Mitigation Measures:

City of Modesto, Parks, Recreation and Neighborhoods Department
City of Modesto, Engineering and Transportation Department
City of Modesto, Operations and Maintenance Department

EXHIBIT "F"

ORVILLE WRIGHT NEIGHBORHOOD PARK
NOTICE OF COMPLETION AND LETTERS OF RESPONSE

Form A

Notice of Completion & Environmental Document Transmittal California State Clearinghouse Handbook • 23

SCH # 92052017

Mail to: State Clearinghouse, PO Box 3044, Sacramento, CA 95812-3044 916/445-0613

Project Title: Orville Wright Neighborhood Park

Lead Agency: City of Modesto | Contact Person: Nathan G. Houx, Project Coordinator

Street Address: 1010 Tenth St., Suite 4400 | Phone: (209) 571-5526

City: Modesto, CA | Zip: 95354 | County: Stanislaus

Project Location:

County: Stanislaus | City/Nearest Community: Modesto

Cross Streets: Empire Avenue, Hillside Drive and Kerr Avenue | Zip Code: 95354 | Total Acres: 6.1 acres

Assessor's Parcel No. 035-48-01,15,16 & 035-53-04 | Section: 34 | Twp. 3S | Range 34 | Base: Mt. Diablo

Within 2 Miles: State Hwy #: 99, 108, 132 | Waterways: Tuolumne River and Dry Creek

Airports: Modesto City/County | Railways: Union Pacific, Modesto | Schools: Modesto City & Ceres Unified Schls

Document Type:

CEQA: ☐ NOP ☐ Early Cons ☒ Neg Dec ☐ Draft EIR ☐ Supplement/Subsequent EIR (Prior SCH No.)_____ ☐ Other_____

NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI

Other: ☐ Joint Document ☐ Final Document ☐ Other_____

Local Action Type:

☐ General Plan Update ☐ General Plan Amendment ☐ General Plan Element ☐ Community Plan

☐ Specific Plan ☒ Master Plan ☐ Planned Unit Development ☐ Site Plan

☐ Rezone ☐ Prezone ☐ Use Permit ☐ Land Division (Subdivision, etc.)

☐ Annexation ☐ Redevelopment ☐ Coastal Permit ☐ Other_____

Development Type:

☐ Residential: *Units*_____ *Acres*_____

☐ Office: *Sq.ft.*_____ *Acres*_____ *Employees*_____

☐ Commercial: *Sq.ft.*_____ *Acres*_____ *Employees*_____

☐ Industrial: *Sq.ft.*_____ *Acres*_____ *Employees*_____

☐ Educational _____

☐ Recreational _____

☐ Water Facilities: *Type*_____ *MGD*_____

☐ Transportation: *Type*_____

☐ Mining: *Mineral*_____

☐ Power: *Type*_____ *Watts*_____

☐ Waste Treatment: *Type*_____

☐ Hazardous Waste: *Type*_____

☒ Other: Neighborhood Park

Funding (approx.): Federal $ 300,000 | State $ 800,000 | Total $ 1,100,000

Project Issues Discussed in Document:

☐ Aesthetic/Visual
☐ Agricultural Land
☐ Air Quality
☒ Archeological/Historical
☐ Coastal Zone
☐ Drainage/Absorption
☐ Economic/Jobs
☐ Fiscal
☒ Flood Plain/Flooding
☐ Forest Land/Fire Hazard
☐ Geologic/Seismic
☐ Minerals
☐ Noise
☐ Population/Housing Balance
☐ Public Services/Facilities
☐ Recreation/Parks
☐ Schools/Universities
☐ Septic Systems
☐ Sewer Capacity
☐ Soil Erosion/Compaction/Grading
☐ Solid Waste
☒ Toxic/Hazardous
☐ Traffic/Circulation
☒ Vegetation
☐ Water Quality
☐ Water Supply/Groundwater
☒ Wetland/Riparian
☒ Wildlife
☐ Growth Inducing
☐ Landuse
☐ Cumulative Effects
☐ Other _____

Present Land Use/Zoning/General Plan Designation:

Open Space / R1 & R2

Project Description:

This project will construct a 3.8-acre neighborhood park within the Airport Neighborhood. The park will be developed including: grading, paving, road along south border of park, underground utilities, landscaping, irrigation system, game courts, athletic fields, water play area, family picnic units, children's play area w/play apparatus, park furniture, shade structure, skate area, restroom utility building, security phone and security lighting. Project will also renovate 2.3 acres of fenced school property including grading, paving, undergound utilities, landscaping, irrigation system, and athletic fields. The total area that will be constructed or renovated with this project will be 6.1 acres. Project includes adoption of Park Master plan and Design Development Report and subsequent development

Revised 1-31-00

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse

ACKNOWLEDGEMENT OF RECEIPT

Gray Davis
GOVERNOR

Tal Finney
INTERIM DIRECTOR

DATE: March 28, 2002

TO: Nathan G. Houx
City of Modesto Community Development Department
1010 Tenth Street, Suite 4400
Modesto, CA 95354

RE: Orville Wright Neighborhood Park
SCH#: 1992052017

This is to acknowledge that the State Clearinghouse has received your environmental document for state review. The review period assigned by the State Clearinghouse is:

Review Start Date: March 7, 2002
Review End Date: April 5, 2002

We have distributed your document to the following agencies and departments:

Caltrans, District 10
Caltrans, Division of Aeronautics
Department of Fish and Game, Region 4
Department of Parks and Recreation
Department of Water Resources
Native American Heritage Commission
Office of Historic Preservation
Regional Water Quality Control Bd., Region 5 (Sacramento)
Resources Agency
State Lands Commission

The State Clearinghouse will provide a closing letter with any state agency comments to your attention on the date following the close of the review period.

Thank you for your participation in the State Clearinghouse review process.

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
916-445-0613 FAX 916-323-3018 www.opr.ca.gov

San Joaquin Valley
Air Pollution Control District

March 29, 2002

Nathan G. Houx
City of Modesto Parks,
Recreation and Neighborhood Dept.
P.O. Box 642
Modesto, CA 95353

SUBJECT: AIR QUALITY CONFORMANCE FOR ORVILLE WRIGHT NEIGHBORHOOD PARK PROPOSED PROJECT.

Dear Mr. Richardson:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the above referenced project. Based on the information provided, this project is de minimis in nature and therefore will not result in a significant impact to the ambient air quality.

However, the construction phase of this project can generate emission from the movement of soil, use of heavy equipment, bulk materials handling, asphalt paving and other related activities. As a result, this project is subject to District Regulation VIII (Fugitive Dust Prohibitions). The purpose of Regulation VIII is to reduce the amount of fine particulate matter (PM-10) entrained into the ambient air from man-made sources. Regulation VIII has recently been revised, with the revisions becoming effective May 15, 2002. The applicant may review these changes on the District web site at www.valleyair.org.

Thank you for the opportunity to comment. If you have any questions, please feel free to contact me at (209) 557-6400.

Sincerely,

John Cadrett
Air Quality Planner
Northern Region

APCD REF # 20020057

David L. Crow
Executive Director/Air Pollution Control Officer

Northern Region Office
4230 Kiernan Avenue, Suite 130
Modesto, CA 95356-9322
(209) 557-6400 ◆ FAX (209) 557-6475

Central Region Office
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
(559) 230-6000 ◆ FAX (559) 230-6061

Southern Region Office
2700 M Street, Suite 275
Bakersfield, CA 93301-2370
(661) 326-6900 ◆ FAX (661) 326-6985

MID Modesto Irrigation District
ter and Power

1231 Eleventh St.
P.O. Box 4060
Modesto, CA 95352
(209) 526-7373

April 8, 2002

Nathan G. Houx
City of Modesto Parks, Recreation and Neighborhoods Department
P.O. Box 642
Modesto, CA 95353-0642

Regarding: **Orville Wright Neighborhood Park – Draft Negative Declaration**
Hillside Dr., N/side, S/of Orville Wright Elementary School

Thank you for allowing the District to comment on this referral.

ELECTRICAL

- The attached drawings are marked showing the approximate location of the District's existing electrical facilities.
- In conjunction with related site/road improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed development shall be protected, relocated or removed as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.
- Relocation or Installation of electric facilities shall conform to the Districts Electric Service Rules.
- Costs for relocation and/or undergrounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
- The District should be contacted for requests to remove existing services within the outlined area. The cost of removal will be at the District's expense provided that the load being served is also removed.
- A 10' PUE is required along all existing and proposed street frontages.
- Electric service to the proposed project site is not adequate for the future development. Customer should contact District's Electric Engineering Department to arrange for electric service to the project. Additional easements may be required with development of this property.

MID Modesto Irrigation District
Water and Power

1231 Eleventh St.
P.O. Box 4060
Modesto, CA 95352
(209) 526-

IRRIGATION

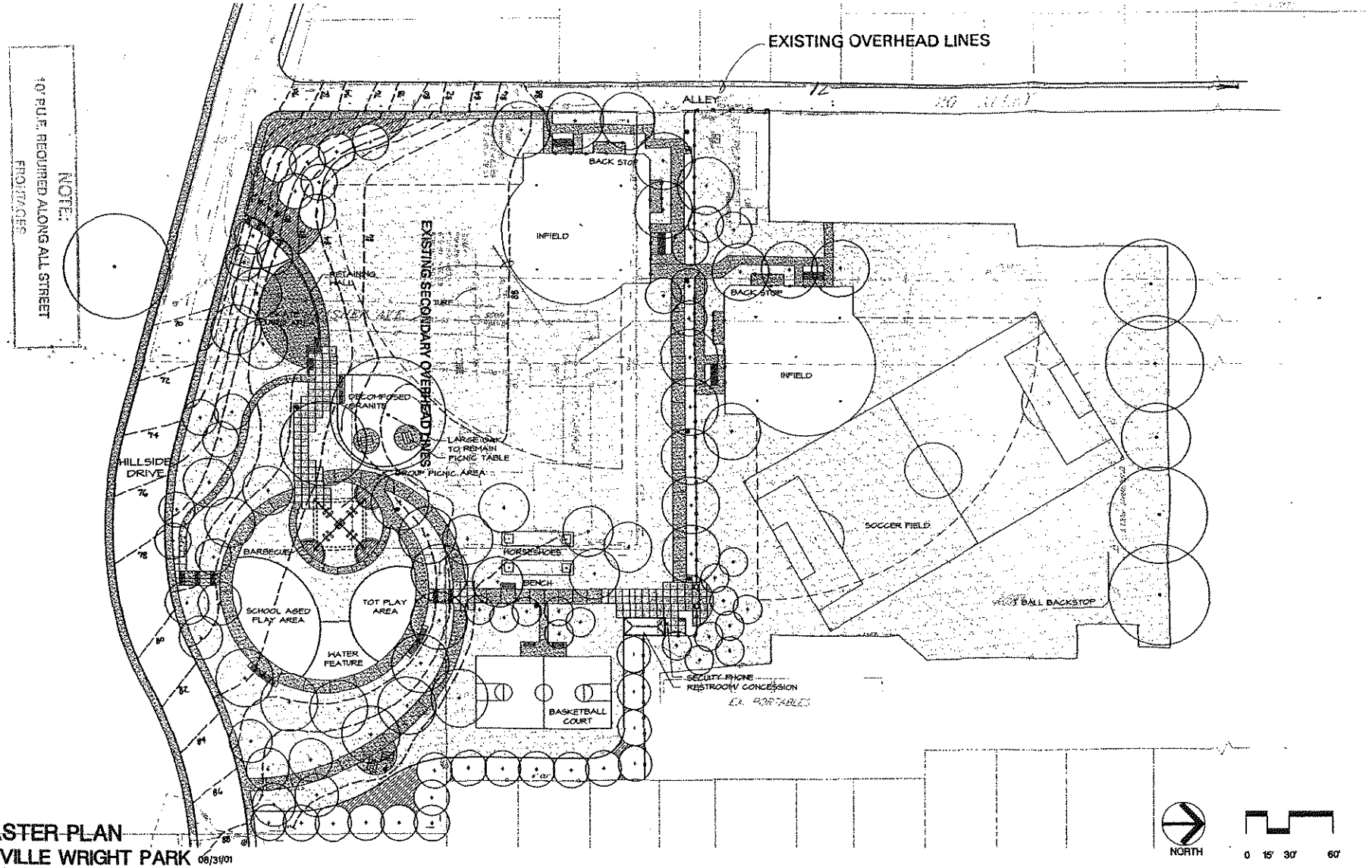
No Irrigation problems.

DOMESTIC WATER

No comments at this time

April 8, 2002
Date:

Celia Aceves
Risk and Property Analyst



MASTER PLAN
ORVILLE WRIGHT PARK 08/31/01

CALLANDER ASSOCIATES
LANDSCAPE ARCHITECTURE AND PARK PLANNING

PARKS, RECREATION, AND NEIGHBORHOODS DEPARTMENT
CITY OF MODESTO

MODESTO IRRIGATION DISTRICT
POWER SYSTEM LAYOUT
BY D. JAGERS DATE 04-05-02

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse

Gray Davis
GOVERNOR

April 8, 2002

Tal Finney
INTERIM DIRECTOR

Nathan G. Houx
City of Modesto Community Development Department
1010 Tenth Street, Suite 4400
Modesto, CA 95354

Subject: Orville Wright Neighborhood Park
SCH#: 1992052017

Dear Nathan G. Houx:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on April 5, 2002, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
916-445-0613 FAX 916-323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 1992052017
Project Title Orville Wright Neighborhood Park
Lead Agency Modesto, City of

Type Neg Negative Declaration

Description This project will construct a 3.8-acre neighborhood park with the Airport Neighborhood. The project will be developed including: grading, paving, road along south border of park, underground utilities, landscaping, irrigation system, game courts, athletic fields, water play area, family picnic units, children's play area with play apparatus, park furniture, shade structure, skate area, restroom utility building, security phone and security lighting. Project will also renovate 2.3 acres of fenced school property including grading, paving, underground utilities, landscaping, irrigation system, and athletic fields. The total area that will be constructed or renovated with this project will be 6.1 acres. Project includes adoption of Park Master plan and Design Development Report and subsequent development.

Lead Agency Contact

Name Nathan G. Houx
Agency City of Modesto Community Development Department
Phone 209-571-5526 **Fax**
email
Address 1010 Tenth Street, Suite 4400
City Modesto **State** CA **Zip** 95354

Project Location

County Stanislaus
City Modesto
Region
Cross Streets Empire Avenue, Hillside Drive and Kerr Avenue
Parcel No. 035-48-01,15,16&035-53-04
Township 3S **Range** 34 **Section** 34 **Base** Mtdiablo

Proximity to:

Highways 99,108,132
Airports Modesto City/County
Railways Union Pacific, Modesto
Waterways Tuolumne River and Dry Creek
Schools Modesto City and Ceres Unified Schoo
Land Use Open Space/R1&R2

Project Issues Archaeologic-Historic; Flood Plain/Flooding; Toxic/Hazardous; Wetland/Riparian; Wildlife; Vegetation

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; Caltrans, District 10; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission; State Lands Commission

Date Received 03/07/2002 **Start of Review** 03/07/2002 **End of Review** 04/05/2002

Note: Blanks in data fields result from insufficient information provided by lead agency.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-302

A RESOLUTION APPROVING THE CAPITAL IMPROVEMENT PLAN, DEVELOPMENT AGREEMENT AND IRREVOCABLE LICENSE WITH MODESTO CITY SCHOOL DISTRICT FOR DEVELOPMENT OF ORVILLE WRIGHT NEIGHBORHOOD PARK AND ELEMENTARY SCHOOL AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.

WHEREAS, Modesto City School District (District) owns and operates the Orville Wright Elementary School located on Monterey Avenue in Modesto, and

WHEREAS, the City of Modesto (City) owns a 2.9 acre neighborhood park site located immediately south of the school site, and

WHEREAS, City and District desire to enter into an agreement to coordinate the master planning and development of the park site and school open space in accordance with one Design Development Report, and Master Plan included therein, and

WHEREAS, City and District desire that the City be given an irrevocable license to develop, use and maintain the southern portion of the School Open Space, as shown on **Exhibit "A"** attached hereto and incorporated herein by this reference, and

WHEREAS, City and District desire that District develop and maintain the northern portion of the School Open Space as shown on **Exhibit "B"** attached hereto and incorporated herein by this reference, and

WHEREAS, the Human Services Committee met on April 11, 2002, and supported the recommendation to enter into a development agreement with Modesto City School District, and

WHEREAS, concurrent with this resolution, the City of Modesto considered and adopted Initial Study EA/PR&N 2002-01 and a Mitigated Negative Declaration (SCH 1992052017) for the proposed development and construction of the Orville Wright Neighborhood Park, and

WHEREAS, the Capital Improvement Plan, Development Agreement and Irrevocable License with the Modesto City School District is within the scope of and contemplated by the Mitigated Negative Declaration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a Development Agreement and Irrevocable License with Modesto City School District for development of Orville Wright Neighborhood Park and Elementary School.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

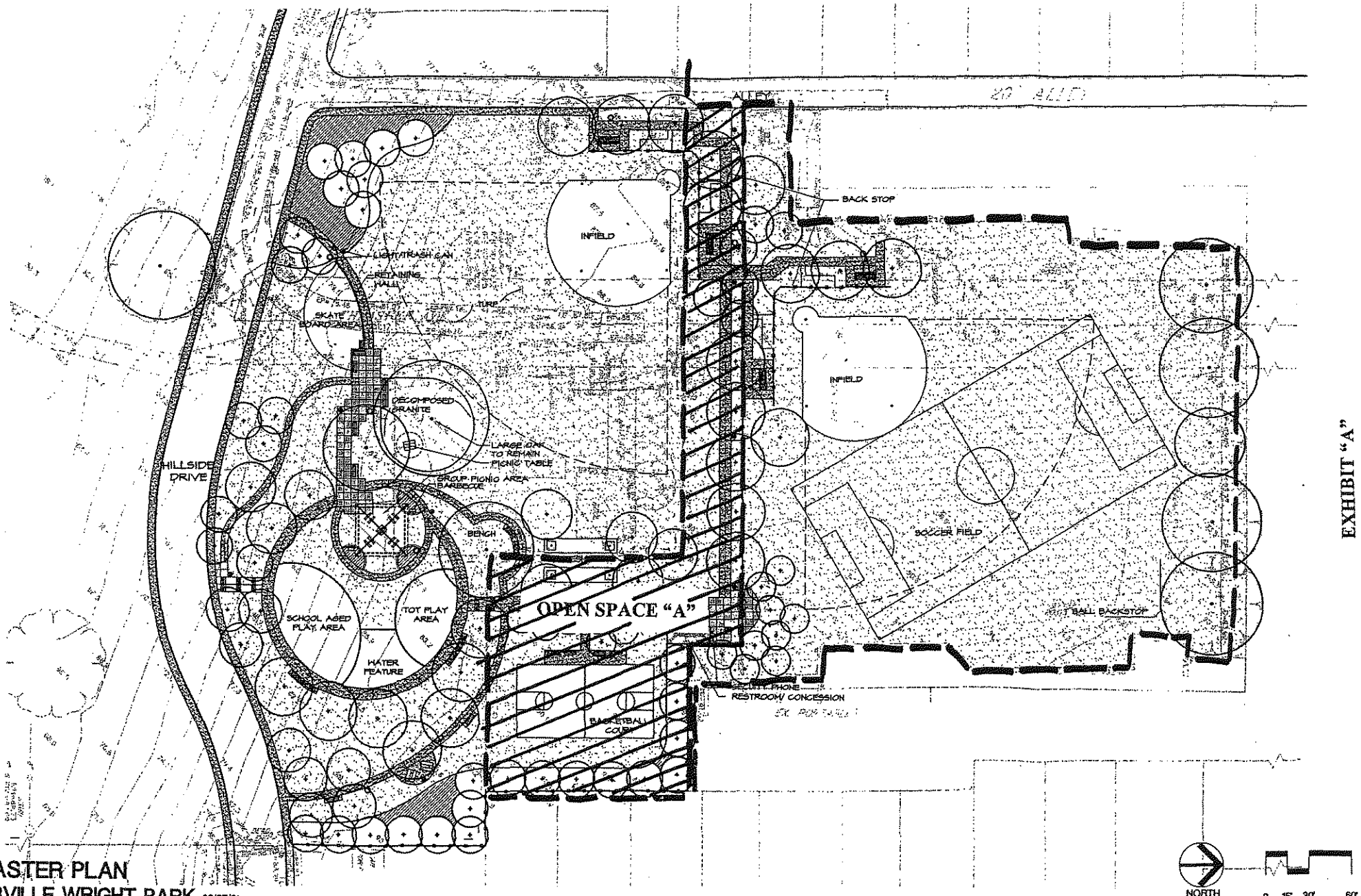


EXHIBIT "A"

MASTER PLAN
ORVILLE WRIGHT PARK 08/27/01

CALLANDER ASSOCIATES

EXHIBIT B

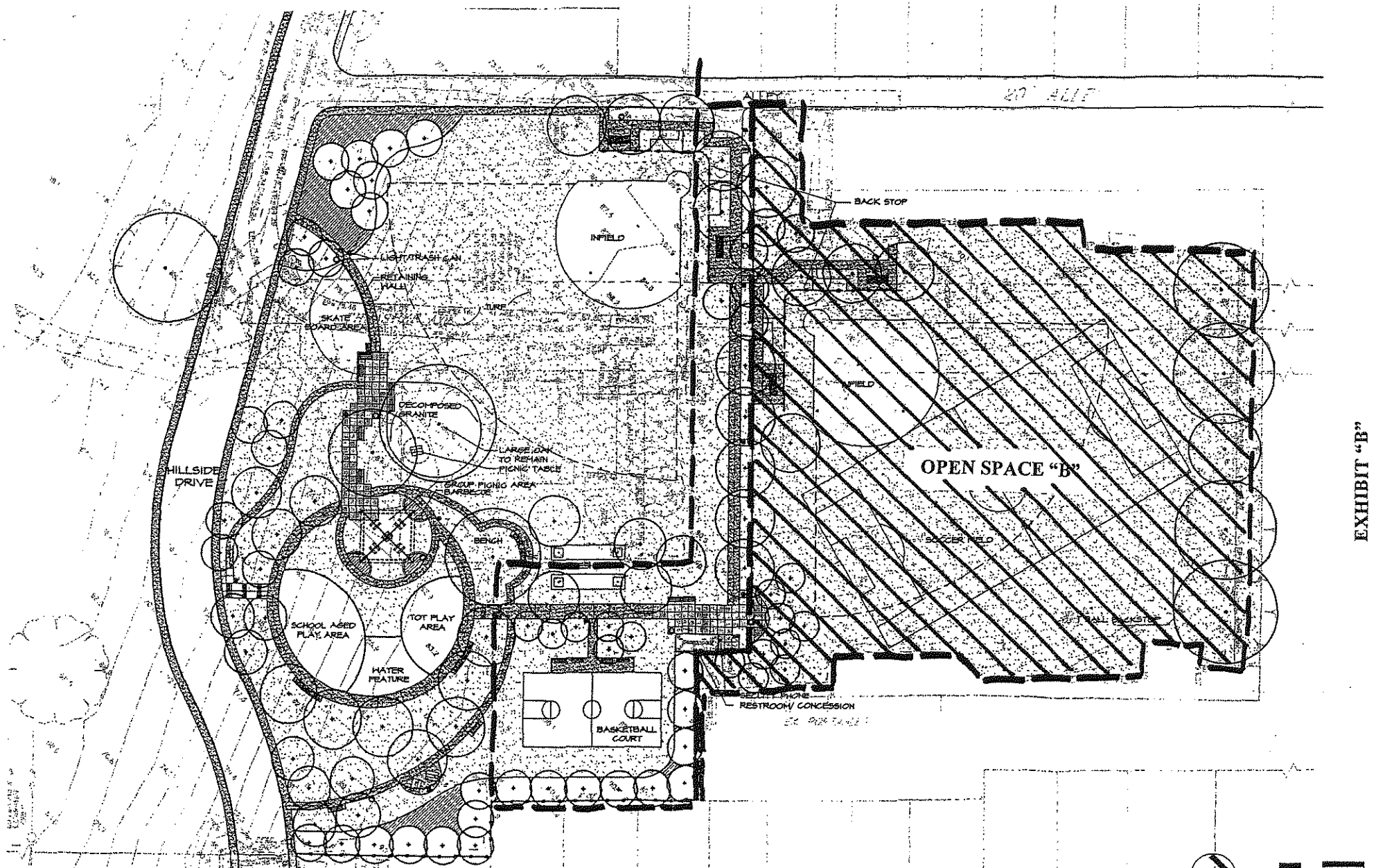


EXHIBIT "B"

MASTER PLAN
ORVILLE WRIGHT PARK 08/27/01

CALLANDER ASSOCIATES

NORTH

0 15' 30' 60'

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-303

A RESOLUTION APPROVING THE DESIGN DEVELOPMENT REPORT AND MASTER PLAN INCLUDED THEREIN FOR ORVILLE WRIGHT NEIGHBORHOOD PARK

WHEREAS, on April 24, 2001, the City of Modesto entered into an agreement with Callander Associates for the preparation of a Design Development Report, which includes the Master Plan, for Orville Wright Neighborhood Park, and

WHEREAS, prior to adopting the Design Development Report, the California Environmental Quality Act (CEQA) requires that the City of Modesto consider the environmental consequences of the proposed project, and

WHEREAS, on April 11, 2002, the Human Services Committee recommended approval of the Orville Wright Neighborhood Park Design Development Report, and

WHEREAS, by an agenda report dated May 17, 2002 from the Parks, Recreation and Neighborhoods Director, staff recommended to the Council approving the Orville Wright Neighborhood Park Design Development Report, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, on June 4, 2002, concurrent with this resolution, the Modesto City Council considered and adopted Initial Study EA/PR&N 2002-01 and a Mitigated Negative Declaration (SCH 1992052017) for development and construction of the Orville Wright Neighborhood Park, and

WHEREAS, the Orville Wright Design Development Report dated April 4, 2002, is within the scope of and contemplated by the Mitigated Negative Declaration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds that the Orville Wright Neighborhood Park Design Development Report is complete and adequate, and it hereby approves the Orville Wright Neighborhood Park Design Development Report and Master Plan included therein, a copy of which is attached hereto as **Exhibit "A"** and incorporated by this reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

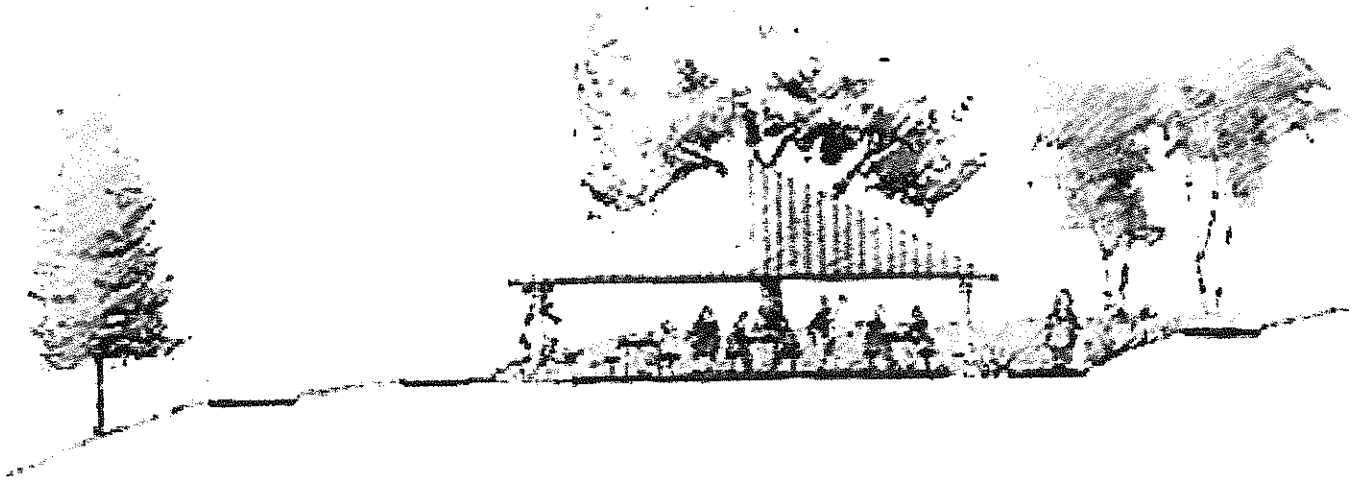
APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

ORVILLE WRIGHT PARK

DESIGN DEVELOPMENT REPORT

April 4, 2002



prepared for

The City of Modesto

prepared by

Callander Associates
Landscape Architecture, Inc.
landscape architecture
park & recreation planning

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- E GROUP PICNIC PAVILION
- F SCHOOL AGE PLAY AREA
- G TOT LOT
- H SKATEBOARD AREA
- I CHILDREN'S WATER FEATURE
- J BASKETBALL COURT
- K HORSESHOE PITS
- F SCHOOL AGE PLAY AREA
- M WALKWAYS
- N MAINTENANCE AND SECURITY PULL-IN
- O EXISTING TREES
- P MAINTENANCE
- Q MITIGATION MEASURES

V IMPLEMENTATION

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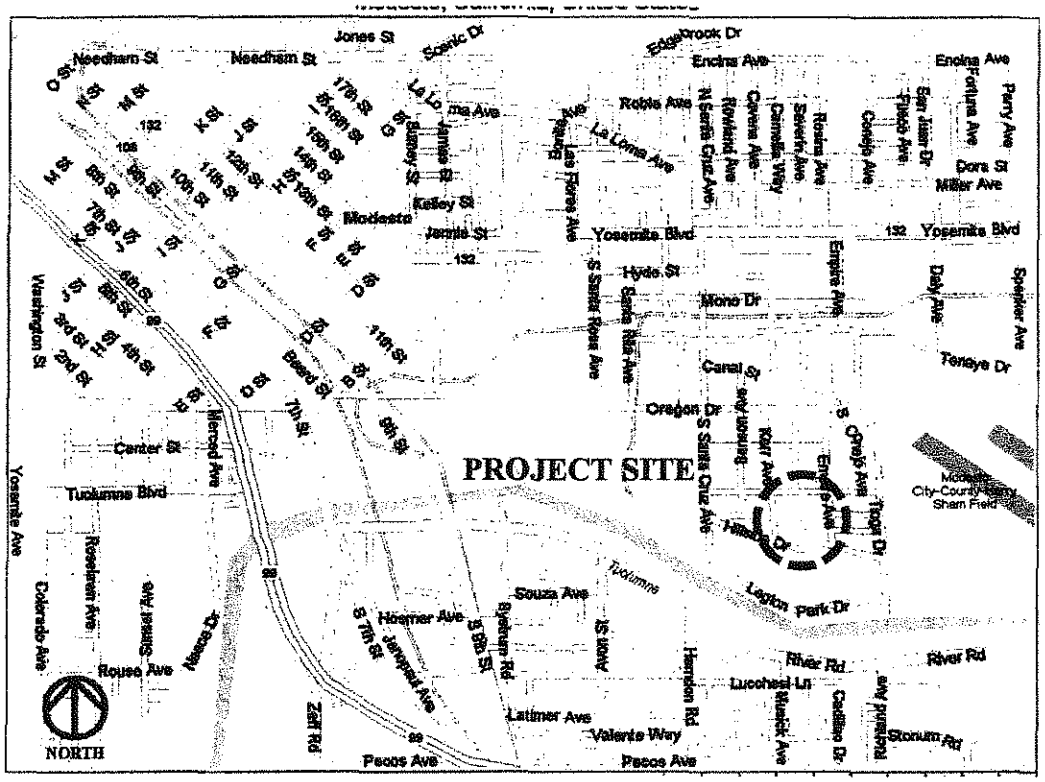
COMMUNITY MEETING #1	- AGENDA - WORKSHOP NOTES - DESIGN CONCEPTS
COMMUNITY MEETING #2	- CONCEPTS 1-3 - WORKSHOP NOTES
COMMUNITY MEETING #3	- PRELIMINARY PLAN

I INTRODUCTION

This Design Development Report establishes a design program and serves to guide the development of Orville Wright Park. Existing conditions are analyzed; opportunities and constraints identified, and a record of public opinion and workshop results are incorporated. Schematic alternatives plans are presented, and a final master plan is developed as the final outcome of the planning process. Finally, probable park construction costs are projected and a phasing program outlined.



LOCATION MAP
CITY OF MODESTO

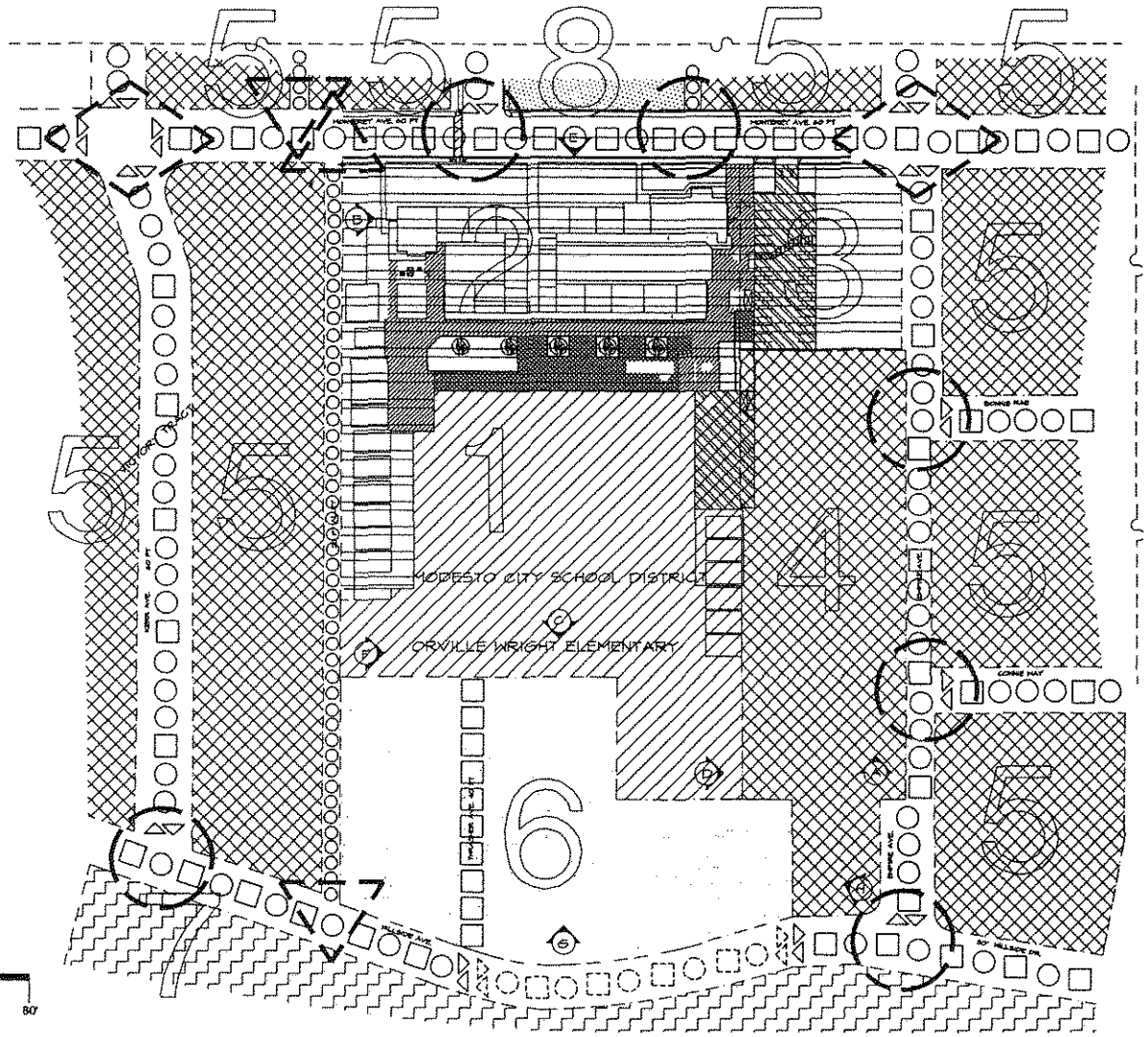
II SITE DESCRIPTION

Orville Wright Park is located in the Airport Neighborhood directly south of Orville Wright Elementary School. The park site is bounded by the School to the north, a future extension of Hillside Drive to the south, a residential alleyway to the west, and single-family residences to the east. A portion of the elementary school grounds will be developed simultaneously with the park and joint use of facilities between the school and the neighborhood is envisioned.

The upper portion of the combined site is on School District property. It consists of approximately 3.2 acres, and it is surrounded by school buildings on the west, north and east sides. The land is currently an open turf field with gently southwardly sloping topography from 1 to 3 percent.

The lower portion of the combined site is on City property. This portion of the site consist of approximately 2.9 acres. There is a single-family residence on the site, which is slated for removal. The site contains some mature trees, which will be incorporated into the park design. The topography of this portion of the site transitions from gently sloping to a rolling slope of 12 to 15 percent.

Directly to the south of the site (across from the Hillside Drive Extension) is the Tuolumne River Regional Park.



LEGEND

LAND USE

- EXISTING SCHOOL ATHLETIC FIELDS AND OPEN SPACE
- PARK SITE
- EXISTING PUBLIC FACILITIES (BUILDINGS AND HARDSCAPE)
- RESIDENTIAL
- TUOLUMNE RIVER REGIONAL PARK
- NEIGHBORHOOD COMMERCIAL

TRAFFIC FLOW

- COLLECTOR STREET
- FUTURE COLLECTOR STREET CONNECTION
- ACCESS STREET
- RIGHT OF WAY TO BE ABANDONED
- ALLEY
- 4 WAY INTERSECTION
- T- INTERSECTION
- ALLEY INTERSECTION WITH STREET
- 1 ISSUES & OPPORTUNITY KEY
- PHOTO KEY

CITY of MODESTO

PARK AND RECREATION DEPARTMENT, CITY OF MODESTO

ISSUES & OPPORTUNITY MAP

CALLANDER ASSOCIATES

LANDSCAPE ARCHITECTURE AND PARK PLANNING

ORVILLE WRIGHT PARK

ORVILLE WRIGHT PARK ISSUES AND OPPORTUNITIES

Introduction

The City of Modesto wishes to develop a neighborhood park adjacent to Orville Wright Elementary School. The total site area is 6.1 acres, plus or minus. A portion of the park facilities will be constructed on the school site. The City envisions that the school site portion of the park will be used only for ball fields and associated walkways, landscaping , and irrigation.

The potential facilities for the park include the following:

- A prefabricated restroom building.
- Little league fields (exact number to be determined).
- Play area with pre-manufactured play equipment.
- Pre-manufactured site furniture including but not limited to benches, picnic tables, bollards, drinking fountains, trash receptacles, and signage.
- Retaining walls (maximum height less that four feet) as necessary to create useable spaces on the site.
- A neighborhood garden consisting of planters and planting areas for use the local residents.
- Open turf, walkways, and associated planting areas
- Security lighting. Ball-field lighting is not part of the program
- Fencing

All parking will be on street parking. A parking lot for the park is not part of the program.

The City will provide all funding for this work. The School District will not participate financially except for staff time expended in the review process.

The exact budget for this project will be developed as part of the first phase services. However, currently the City is considering a construction budget range for this project of $500,000.00

Specific Issues and Opportunities

The specific issues and opportunities are keyed by number to the accompanying diagram

1. **Existing School Fields:**

   1.a Opportunity: The approximately 3.2 acres of open turf area provides an excellent opportunity for supervised shared use athletic fields during non-school hours.

1.b Issue: School District Policy requires a closed campus during school hours. Therefore, a fence and gate between the park property and the school property will be required.

1.c Opportunity: The lower 0.9 acre segment of the school site can be incorporated into the park site and remain unfenced. However, the property will remain under School District ownership.

1.d Issue: Potential conflicts between maintenance standards and procedures will need to be resolved in order to provide a consistent maintenance level for the school and park facilities.

1.e Issue: Water for the school grounds must remain on a separate system from the park due to watering cost issues. This will require a close coordination between the separate systems in order to provide a consistent maintenance regime.

1.f Opportunity: The combination of the revised school fields and the park site offers a major opportunity to enhance both facilities. Shared use between the school and park will increase the available athletic fields for both uses.

2. **Existing School:**
   2.a Opportunity: An element in the passive portion of the park could provide outdoor classroom/laboratory facilities for education.

   2.b Opportunity: If a restroom building is part of the final park program, the school district may allow the City to hook up to their existing sewer connection.

3. **Existing Wright Start:**
   3.a Opportunity: With a safe and practical route from the Wright Start Building to the Park, the park can provide additional recreation/educational facilities for the Wright Start Program.

4. **Residential Adjacent to the School Site:**
   4.a Issue: A transition/buffer is needed between the existing residences that abut the park site and the park/school. This buffer needs to be physical and visual.

   4.b Opportunity: If the opportunity presents itself, purchase of one or more residential parcels , from willing sellers, on either side of the park site would provide a significant window to the park from the neighborhood.

5. **Residential In Vicinity of School Site:**
   5.a Opportunity: The alley way adjacent to the park is a possible pedestrian connection to the park site. Paving, signs and park furniture.

6. **Park Site:**
   6.a Issue: The sloping topography of the site will limit the use in certain areas unless significant grading is done.

6.b Opportunity: The Hillside Drive extension offers an excellent opportunity to slightly expand the park area. In addition, with the proper vertical alignment, a visual connection between the park site and the adjacent regional park.

6.c Issue: The existing alley way adjacent to the park needs appropriate landscape and paving treatment. This treatment should provide a pleasing view from the park to the alley, and it should provide privacy and security for the residences adjacent to the alley.

7. **Tuolumne River Regional Park:**
6.d Opportunity: The relationship to Tuolumne River Regional Park is an important one. There are many recreational facilities proposed for the regional park that will appeal to the park site users as well as the neighborhood in general. With proper planning, the regional park can become a visual and physical extension of the neighborhood park.

8. **Existing Neighborhood Commercial Use:** There are no significant issues or opportunities regarding this existing use.

III THE DESIGN PROCESS

An extensive and inclusive public outreach effort was an integral part of the master plan development. A total of three public workshops were conducted at various stages of the design process. All workshops were well attended by neighborhood residents of all ages.

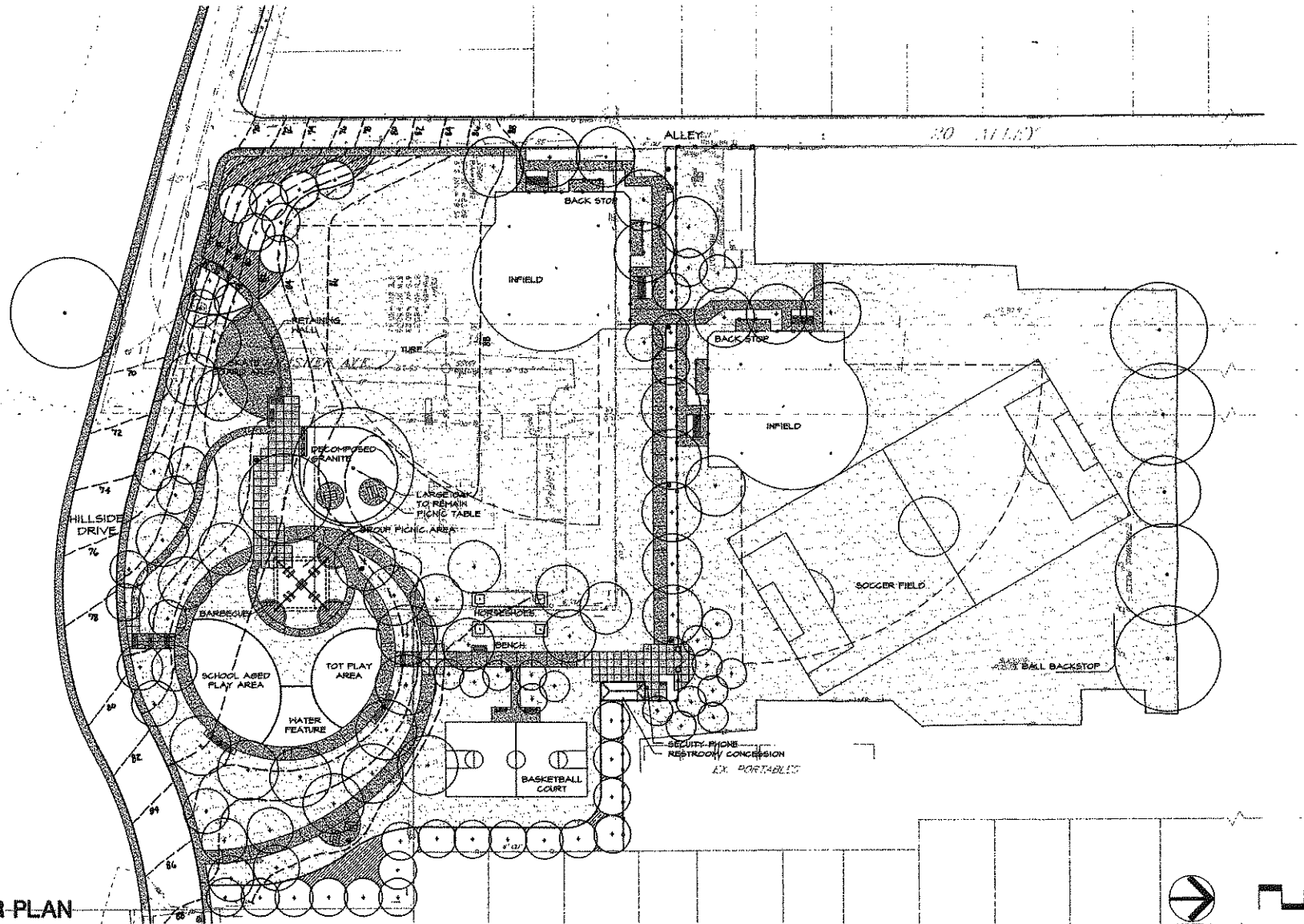
The City's design and workshop process is formulated to allow the park users a significant say in the programming and design of their park. In the case of Orville Wright Park, the process was very successful.

In the first workshop the neighborhood participants were led through a programming exercise that identified the types of recreation facilities and experiences the neighborhood desired. Upon completion of the program development, workshop participants were divided into five sub-groups. With assistance from design staff from Callander Associates and the City, each group created a site plan using the program elements defined earlier in the evening. At the end of the evening, a spokes person from each group presented their groups design concept.

At the second public workshop Callander Associates presented three concept plans based on the program and site plans developed by the neighborhood in the first meeting.

The three concepts were reviewed by the workshop participants, the pros and cons of each concept were discussed, and a direction for the master plan was set.

At the third public workshop Callander Associates presented the preliminary plan. The workshop participants were very receptive to the final plan, due in large part to the neighborhood "buy in" that was developed early on in the process. Said another way, the neighborhood could clearly see their contribution to the design in the final master plan, an thus felt a pride of ownership in the document.



MASTER PLAN
ORVILLE WRIGHT PARK 08/31/01

CALLANDER ASSOCIATES
LANDSCAPE ARCHITECTURE AND PARK PLANNING

PARKS, RECREATION, AND NEIGHBORHOODS DEPARTMENT
CITY OF MC

IV MASTER PLAN DESCRIPTION

The following is a detailed description of the facilities envisioned in the master plan. This master plan is a result of an extensive public outreach process as well as an intensive design effort by Callander Associates and City staff. In addition, guidance and critique were provided by City staff from the Parks, Recreation and Neighborhoods Department, the Police Department, the Fire Department, the Operations and Maintenance Department, the Engineering and Transportation Department, and School District staff from Construction Facilities Division

A. JOINT USE FACILITY

Orville Wright Park will be a joint use facility between the Modesto School District and the City of Modesto. The school portion of the site will be developed with athletic fields consisting of one little league level ball field, a youth soccer field, and T-Ball backstop and field.

B. FENCING

There will be a fence separating the school area from the park and during school hours the gates between these two facilities will be closed and locked. After hours and on non-school days the gates will be open and the athletic facilities will be available to the neighborhood. The fence and gate system has been designed to allow a sense of common space and unity during non-school hours while providing safety and security to the school grounds during school hours. There are two gate systems in the fence, one located at each end of the park / school separation. This will provide the access control required by the School while providing a good circulation system between the school grounds and park when the gates are open.

C. LITTLE LEAGUE BALL FIELDS

Two Little League fields are proposed. One field will be located on the school grounds and the other will be located on the park grounds. Each field will be regulation size for Little League use. The field will consist of a backstop, player dug out fencing, baseline fencing, two bleachers, and associated walkways. Each field will also have a stand of shade trees adjacent to the bleachers and dugouts. The addition of shade trees was a specific request by the neighborhood.

D. RESTROOM / CONCESSION BUILDING

The Restroom/Concession Building will be a pre-manufactured structure by Super-Secure Inc. This is the standard for parks in the City of Modesto. The building will have men and women's restrooms, a small storage room and a concession room. The exact room sizes and building configuration will be determined in the construction document phase of the work. The building colors and materials will fit in with the other structures in the park.

E. GROUP PICNIC PAVILION

The Group Picnic Pavilion will be one of the central structures in the park. It will be a pre-fabricated structure approximately 30 feet square. The pitch of the roof will be 6 in 12; the roof will be a standing seam system with metal columns and decorative casings. Beneath the structure approximately six tables with one group barbecue will be configured to support one large group of thirty people or two smaller groups of fifteen.

F. SCHOOL AGE CHILDREN'S PLAY AREA

The older children's play area will be designed for the six to twelve age group. The play area will be designed to provide the three major aspects of playground activity, physical development, socialization, and imagination development.

G. TOT LOT

This play area will provide the same three major aspects of playground activity as the school age children play area, however the equipment and activities will be tailored to the accommodate the needs of the toddlers through pre-school age group. In addition, a walkway will be developed around the play area, which will also function as a tricycle track for the pre-school children.

H. SKATE BOARD AREA

The park will have a skateboard area of approximately 2000 square feet. There will be several "street scene" elements located through out the area to provide different degrees of challenge to the skate boarders. The "street scene" elements will include steps, low walls, concrete benches, and pipe rails.

I. CHILDREN'S WATER FEATURE

A small "run through the sprinkler" water feature will be one of the activities located in the terraced playground area. The goal of this feature is to provide an inexpensive, easily maintainable, interactive water feature for children. The specifics of the design have not be determined, however it will more than likely consist of a resilient surfacing equipped with spray nozzles and a timer. The resilient surfacing provides a safe and permeable surface for the children to play on. The fountain nozzles will provide a maximum effect with minimum water use and maintenance.

J. BASKET BALL COURT

A full size basketball court will be part of the park side improvements. The Court will have a paving area with benches directly adjacent to it. The remainder of the court will be surrounded by turf.

K. HORSE SHOE PITS

Two regulation horseshoe pits will be provided in the vicinity of the group picnic area. It will provide informal games for park users and it can be used for tournament play if the desire arises in the neighborhood.

L. PASSIVE OPEN SPACE

The passive open space is located primarily on the park side of the improvements. This is primarily a function of existing grades and juxtaposition of uses determined by the neighborhood during the public workshop process.

M. WALKWAYS

The walkway system for the park provides access to the park and school site in an organized and aesthetically pleasing fashion. In addition the walks define the various use areas and organize the overall park scheme. In addition, a hierarchy of widths and paving textures is used to reinforce the spatial and functional areas within both the park side and the school side improvements.

N. MAINTENANCE AND SECURITY PULL-IN

Along the alley a maintenance and security pull-in is provided. This will allow the maintenance staff as well as Little League coaches an access point for field and park maintenance. This pull in will also function as a "hammer head" turnaround for police patrol cars.

O. EXISTING TREES

The many of the program elements desired by the neighborhood require flat open areas. Given the sloping topography, and the relative small size of the site, preservation of existing trees had to be limited. A few of the existing specimen trees on the site will be saved and incorporated into the design. The trees that had to be removed due to site limitations described previously will be replaced with specimen size plant material appropriate to the neighborhood character as well as the park theme and functions.

P. MAINTENANCE

ACTIVITY	CITY PARK Yearly Costs	SCHOOL SITE Yearly Costs
TURF MAINT	$ 9,422.75	$ 4,733.29
EDGING & BLOWING	$ 417.44	$ 209.69
RODENT CONTROL	$ 467.48	$ 234.83
WATERING	$ 5,741.15	$ 2,883.93
FERTILIZE & AERIFY	$ 126.59	$ 63.59
RAC-O-VAC	$ 224.28	$ 112.66
LEAF PICKUP	$ 412.23	$ 207.07
MOWING	$ 1,616.08	$ 811.80
GEN. TURF	$ 417.50	$ 209.72
LANDSCAPE	$ 4,838.31	$ 2,430.41
IRRIGATE M & R	$ 2,951.29	$ 1,482.51
WEEDING	$ 294.41	$ 147.89
HERBICIDES	$ 720.86	$ 362.11
GENERAL	$ 480.76	$ 241.50
TREE MAINT	$ 390.98	$ 196.40
FOUNTAIN	$ 2,882.61	$ -
LITTER	$ 2,574.80	$ 3,690.35
PICKUP	$ 1,615.12	$ 811.32
REFUSE HAUL	$ 899.78	$ 451.98
REC. FACIL	$ 9,364.79	$ 3,454.37
TENNIS M & R	$ -	$ -
PLAY EQUIP M & R	$ 4,225.47	$ -
REC. AREA	$ 227.19	$ -
GAME COURTS	$ 3,377.12	$ -
BLEACHERS	$ 575.34	$ 575.34
LIGHTED BALLFIELDS	$ -	$ -
LIGHTED SOCCER	$ -	$ -
UNLIT GAME FIELDS	$ 959.68	$ 2,879.03
RESTROOM	$ 6,710.61	$ -
PICNIC FACILITIES	$ 1,646.71	$ -
SINGLE TABLES	$ 547.36	$ -
BARBEQUE	$ 288.42	$ -
GROUP	$ 810.93	$ -
PARKING LOTS	$ -	$ -

BUILDING	$ -	$ -
UNDEVELOPED SITE	$ -	$ -
PARK PATROL	$ -	
WEEKENDS	$ 881.65	$ 881.65
BIKE PATH	$ -	
GENRL. MANT	$ 4,110.82	$ 2,527.14
MISC. SITE MAINT.	$ 660.27	$ 331.67
LIGHTING	$ 916.82	$ 458.41
DEBRIS CLEANUP	$ 264.88	$ 133.06
FENCE & GATE	$ 321.62	$ 128.65
SIGN M & R	$ 368.30	$ 368.30
EQUIP. M & R	$ 948.16	$ 476.29
GRAFFITI	$ 630.77	$ 630.77
SP. EVENT	$ 2,755.94	$ 2,755.94
SP. PROJECT	$ 1,596.18	$ 1,596.18
Non productive breaks,meeting, clerical,travel TRRP	$ 6,566.10	$ 3,298.32
Mng supv hrs	$ 5,181.50	$ 2,602.80
admin clerical	$ 627.80	$ 315.36
TOTAL	$ 59,160.59	$ 28,285.81
ADJUSTED	**$ 42,433.07**	**$ 17,717.21**

Q. MITIGATION MEASURES

The City's Parks, Recreation and Neighborhoods, Engineering and Transportation, Operations and Maintenance, and Community Development Departments have reviewed the proposed project and have determined the following mitigation measures will address the identified impacts and provide an acceptable level of service.

Impact:
Loss of Wildlife/Plant Habitat

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?

Mitigation:
The following mitigation measures are incorporated in the Design Development Report for Orville Wright Neighborhood Park and will be incorporated in the construction documents and schedule for this park.

1. Regarding Swainson's Hawk: "If construction is scheduled to commence during the breeding season (i.e., 1 March to 15 September), the City of Modesto Parks, Recreation and Neighborhoods Department shall retain a qualified biologist to conduct a pre-construction survey to determine if Swainson's Hawks are nesting within 0.25 mile of the project area. Pre-construction surveys will be conducted at least 2 weeks prior to construction. If no active nests are found in the study area, no further mitigation measures will be necessary.

   If an active Swainson's Hawk nest is located within 0.25 mile of the project area, the biologist will record the location(s) on a site map. The City will report the results of the nest survey to DFG via letter to determine if any additional mitigation measures need to be implemented." (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit "B"), Sycamore Environmental Consultants, Inc., Page 10)

2. Regarding other raptors and migratory birds (nesting): "If construction begins outside the breeding season (1 March to 30 August), there will be no need to conduct surveys for active nests. This time frame corresponds to the breeding season of many raptors and migratory birds. If construction is scheduled to commence during the breeding season, the City of Modesto Parks, Recreation and Neighborhoods Department shall retain a qualified biologist to conduct a pre-construction survey to determine if raptors or migratory birds are nesting

within the project study area. Pre-construction surveys will be conducted at least 2 weeks prior to construction. If no active nests are found in the study area, no further mitigation will be necessary.

If active nests are located within 75m (250ft) of the project study area, the biologist will record the location(s) on a site map. A minimum 75m (250ft) Environmentally Sensitive Area (buffer) shall be established around the tree. A biologist shall delimit the buffer zone with yellow caution tape or temporary flagging. The construction contractor shall be responsible for installing stakes or temporary fencing at the edge of the buffer zone. The buffer zone shall be maintained throughout the breeding season (1 March to 30 August). No disturbance shall occur within 75m (250ft) of a nest tree during the breeding season. During construction, a biologist will monitor nests weekly to evaluate potential nesting disturbance caused by construction activities. The biological monitor will have the authority to stop construction if construction appears to be adversely affecting nesting raptors or migratory birds." (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit "B"), Sycamore Environmental Consultants, Inc., Page 10, 11)

3. Regarding the native Oak trees, a very conservative determination of a significant Oak tree has been adopted for this specific project, with all native Oaks in excess of 10-inch dbh being designated as significant trees. Based on this determination, there are four significant native Oaks (one Blue Oak, three Valley Oaks, and one Interior Live Oak) that will be removed with this construction. The City of Modesto will replace each significant native Oak tree removed with three 15 gallon specimens of either Valley Oak, Blue Oak or Interior Live Oak trees.

V IMPLEMENTATION

prepared for
City of Modesto

Estimate of Probable Construction Costs
Orville Wright Park
Preliminary Estimate

prepared on: 09/04/01
prepared by: CN/BW

Item #	Description	Qty	Unit	Cost	Item Total	Subtotal
	SCHOOL SITE					
A	**Project Start-up**					
	Bonding and mobilization	Allow	5%	$9,037.00	$9,037.00	
						$9,040.00
B	**Demolition**					
1.	Clearing and grubbing	139,000	SF	$0.05	$6,950.00	
						$6,950.00
C	**Grading and Drainage**					
1.	Rough grade	101,100	SF	$0.10	$10,110.00	
2.	Catch basins	2	EA	$900.00	$1,800.00	
3.	Area drains	5	EA	$500.00	$2,500.00	
4.	Drain pipe, PVC, 12"	400	LF	$30.00	$12,000.00	
						$26,410.00
D	**Site Construction**					
1.	Concrete pavement	2,613	SF	$6.00	$15,678.00	
2.	Infield mix	9,686	SF	$1.30	$12,591.80	
3.	Chainlink fence, 6', with mowband	570	LF	$30.00	$17,100.00	
4.	Chainlink fence, 8', with mowband	180	LF	$35.00	$6,300.00	
5.	Special paving	297	SF	$7.00	$2,079.00	
						$51,670.00
E	**Site Furnishings**					
1.	Bleachers	2	EA	$6,500.00	$13,000.00	
2.	Players benches	4	EA	$600.00	$2,400.00	
3.	Backstops	2	EA	$7,000.00	$14,000.00	
4.	Entry pilasters	2	EA	$1,200.00	$2,400.00	
5.	Bases	Allow	LS	$400.00	$400.00	
						$19,200.00
F	**Irrigation**					
1.	Backflow preventor with enclosure	1	EA	$4,000.00	$4,000.00	
2.	Irrigation, turf system	88,550	SF	$0.50	$44,275.00	
3.	Tree bubblers	16	EA	$25.00	$400.00	
						$48,680.00
G	**Soil Preparation and Fine Grading**	88,550	SF	$0.20	$17,710.00	
						$17,710.00
H	**Planting**					
1.	Trees, 24" box	3	EA	$250.00	$750.00	
2.	Trees, 15 gallon	13	EA	$90.00	$1,170.00	
6.	Turf from seed	88,550	SF	$0.07	$6,198.50	
						$8,120.00

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prepared for
City of Modesto

Estimate of Probable Construction Costs
Orville Wright Park
Preliminary Estimate

prepared on: 09/04/01
prepared by: CN/BW

Item #	Description	Qty	Unit	Cost	Item Total	Subtotal
I	**Maintenance**	Allow	LS	$2,000.00	$2,000.00	
						$2,000.00
J	**Subtotal**					$189,780.00
K	**Cost estimating contingency**	Allow	10%	$18,978.00	$18,978.00	$18,980.00
L	**Estimated low bid**					$208,760.00
M	**Construction Administration**	Allow	7%	$14,613.20	$14,613.20	$14,610.00
N	**Construction Inspection**	Allow	8%	$16,700.80	$16,700.80	$16,700.00
O	**Total**					$240,070.00
	PARK SITE					
P	**Project Start-up**					
	Bonding and mobilization	Allow	5%	$41,620.00	$41,620.00	
						$41,620.00
Q	**Demolition**					
1.	Clearing and grubbing	121,200	SF	$0.05	$6,060.00	
2.	Tree removal	12	EA	$250.00	$3,000.00	
						$9,060.00
R	**Grading and Drainage**					
1.	Balanced cut and fill	1,200	CY	$10.00	$12,000.00	
2.	Rough grade	158,600	SF	$0.10	$15,860.00	
3.	Catch basins	4	EA	$900.00	$3,600.00	
4.	Play area drains	3	EA	$600.00	$1,800.00	
5.	Area drains	5	EA	$500.00	$2,500.00	
6.	Drain pipe, PVC, 12"	800	LF	$30.00	$24,000.00	
7.	Sanitary sewer tie-in	Allow	LS	$3,000.00	$3,000.00	
8.	Sanitary sewer service	250	CF	$30.00	$7,500.00	
						$70,260.00
S	**Site Construction**					
1.	Play area curb	420	LF	$25.00	$10,500.00	
2.	Park sign	Allow	LS	$2,500.00	$2,500.00	
3.	Asphalt paving	4,700	SF	$3.00	$14,100.00	
4.	Concrete mowband	980	LF	$10.00	$9,800.00	
5.	Decomposed granite pavement	3,095	SF	$2.50	$7,737.50	
6.	Concrete pavement	17,050	SF	$6.00	$102,300.00	
7.	Special paving	3,700	SF	$7.00	$25,900.00	

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prepared for
City of Modesto

Estimate of Probable Construction Costs
Orville Wright Park
Preliminary Estimate

prepared on: 09/04/01
prepared by: CN/BW

Item #	Description	Qty	Unit	Cost	Item Total	Subtotal
8.	Infield mix	9,686	SF	$1.30	$12,591.80	
9.	Basketball striping	Allow	LS	$500.00	$500.00	
10.	Horseshoe pit	2	EA	$5,000.00	$10,000.00	
11.	Chainlink fence, 8', with mowband	180	LF	$35.00	$6,300.00	
12.	Skateboard park	Allow	LS	$10,000.00	$10,000.00	
13.	Domestic service water line	750	LF	$9.00	$6,750.00	
14.	Domestic backflow with enclosure	Allow	LS	$2,000.00	$2,000.00	
15.	Play area ramps	2	EA	$3,000.00	$6,000.00	
16.	Water play feature	Allow	LS	$5,000.00	$5,000.00	
17.	Rubberized surfacing	1,350	SF	$20.00	$27,000.00	
18.	Fiber surfacing	5,550	SF	$0.50	$2,775.00	
19.	Handrail	95	LF	$25.00	$2,375.00	
20.	Retaining wall	100	LF	$100.00	$10,000.00	
						$274,130.00
T	**Site Furnishings**					
1.	Benches	11	EA	$1,300.00	$14,300.00	
2.	Picnic tables	8	EA	$1,500.00	$12,000.00	
3.	Drinking fountains	2	EA	$5,000.00	$10,000.00	
4.	Bleachers	2	EA	$6,500.00	$13,000.00	
5.	Players benches	2	EA	$600.00	$1,200.00	
6.	Backstops	1	EA	$7,000.00	$7,000.00	
7.	Basketball standards	2	EA	$1,300.00	$2,600.00	
8.	Bases	Allow	LS	$200.00	$200.00	
9.	Barbecue	1	EA	$600.00	$600.00	
10.	Bike racks	2	EA	$1,000.00	$2,000.00	
						$62,900.00
U	**Restroom/Concession Building**	Allow	LS	$100,000.00	$100,000.00	
						$100,000.00
V	**Pavilion**	Allow	LS	$50,000.00	$50,000.00	
						$50,000.00
W	**Electrical**					
1.	Point of connection	Allow	LS	$10,000.00	$10,000.00	
2.	Panel	Allow	LS	$20,000.00	$20,000.00	
3.	Conduit of wires	1,500	CF	$15.00	$22,500.00	
4.	Pathway lights	10	EA	$2,500.00	$25,000.00	
5.	Phone service	Allow	LS	$15,000.00	$15,000.00	
						$92,500.00
X	**Irrigation**					
1.	Point of connection	Allow	LS	$1,000.00	$1,000.00	
2.	Backflow preventor with enclosure	1	EA	$4,000.00	$4,000.00	
3.	Irrigation controller	1	EA	$6,000.00	$6,000.00	

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prepared for
City of Modesto

Estimate of Probable Construction Costs
Orville Wright Park
Preliminary Estimate

prepared on: 09/04/01
prepared by: CN/BW

Item #	Description	Qty	Unit	Cost	Item Total	Subtotal
4.	Irrigation, turf system	113,200	SF	$0.50	$56,600.00	
5.	Irrigation, shrub system	14,950	SF	$1.00	$14,950.00	
6.	Tree bubblers	84	EA	$25.00	$2,100.00	
7.	Booster pump	Allow	LS	$15,000.00	$15,000.00	
						$99,650.00
Y	**Soil Preparation and Fine Grading**	128,150	SF	$0.20	$25,630.00	
						$25,630.00
Z	**Planting**					
1.	Trees, 24" box	17	EA	$250.00	$4,250.00	
2.	Trees, 15 gallon	67	EA	$90.00	$6,030.00	
3.	Shrubs, 5 gallon	200	EA	$18.00	$3,600.00	
4.	Shrubs, 1 gallon	1,000	EA	$8.00	$8,000.00	
5.	Groundcover, flats	14,950	SF	$0.35	$5,232.50	
6.	Turf from seed	113,200	SF	$0.07	$7,924.00	
7.	Mulch	14,950	SF	$0.35	$5,232.50	
						$40,270.00
AA	**Maintenance**	Allow	LS	$8,000.00	$8,000.00	
						$8,000.00
BB	**Subtotal**					$874,020.00
CC	**Cost estimating contingency**	Allow	10%	$87,402.00	$87,402.00	$87,400.00
DD	**Estimated low bid**					$961,420.00
EE	**Construction Administration**	Allow	7%	$67,299.40	$67,299.40	$67,300.00
FF	**Construction Inspection**	Allow	8%	$76,913.60	$76,913.60	$76,910.00
GG	**Design and Engineering**					$20,000.00
HH	**Total**					$1,125,630.00

II	**TOTAL PARK AND SCHOOL**					$1,365,700.00

Based on drawings entitled "Master Plan," dated 8/27/01.

The above items, amounts, quantities, and related information are based on CA's judgment at this level of document preparation and is offered only as reference data. CA has no control over construction quantities, costs and related factors affecting costs, and advises the client that significant variation may occur between this estimate of probable construction costs and actual construction prices.

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landscape architecture

01019CostEstimate083101.xls

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VI APPENDIX

Orville Wright Park
Public Workshop #1
June 7th, 2001

Agenda

I. Introduction — **15 Minutes**

A. Planning Process Summary and Project Background
B. Participants and their Role in the Process

II. Park Elements — **30 Minutes**

A. List Neighborhood's Needs and Desires for Elements and Uses in the Park
B. Group Ranking of Element and Use Priorities

Break — **5 Minutes**

III. Concept Design Exercise — **30 Minutes**

A. Directions for Exercise
B. Develop Design Concept

Break — **5 Minutes**

IV. Concept Design Presentations — **30 Minutes**

V. Summary — **5 Minutes**

Callander Associates

June 8, 2001

Orville Wright Park

Public Workshop Notes – Thursday, June 7, 2001

Park Element Prioritization

Top Ten

1. Soccer field
2. Babe Ruth sized baseball field
3. Skate park
4. Little league field
5. Full court basketball
6. Walking track
7. Security phone
8. BMX jumps
9. Swimming pool
10. Bleachers

(0) Notes

- Recreation room
- Group picnic areas
- No shade structures
- Hand ball wall
- Shade structures

Negative Elements

(7) Outdoor classroom
(3) Snack shop
(1) Volleyball court
(1) Equipment storage

-END-

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2941 Sunrise Blvd, Suite 130
Rancho Cordova, CA 95742
T 916.631.1312

Landscape Architecture
Urban Design
Land Planning

Peter Callander, ASLA, Principal
C. Gary Hyden, ASLA, AICP, Principal
Mark Slichter, ASLA, Senior Associate

Callander Associates

August 2, 2001

Orville Wright Park

Public Workshop Notes – Thursday, July 12, 2001

Concepts

Concept #1

- Concern with maintenance of fields (access)
- Concern with relationship of skateboard area and picnic area

Concept #2

- Needs water feature
- Bike trail – paths
- Snack bar area requested
- Storage area requested
- Larger skateboard area

Concept #3

- Concern for little league games (no site parking)

Concept #4

- Small field doesn't need to be skinned
- Need for three ball diamonds for little league
- Could have cement dugouts that would incorporate storage
- Drinking fountains at baseball diamond, play area, restroom

Concept #5

- Concern that one stall won't be enough

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Landscape Architecture
Urban Design
Land Planning
Park and Recreation Planning
Environmental Planning

Peter Callander, ASLA, Principal
C. Gary Hyden, ASLA, AICP, Principal
Mark Slichter, ASLA, Senior Associate
Brian G. Fletcher, ASLA, Associate
CA Lic. #1308

Optional Park Elements

Option #1: Shade for players

Option #2: Skateboard area – the bigger, the better

Option #3: Security phone

Option #4: Water feature

Option #5: Volleyball

Options #6: Horseshoes

-END-

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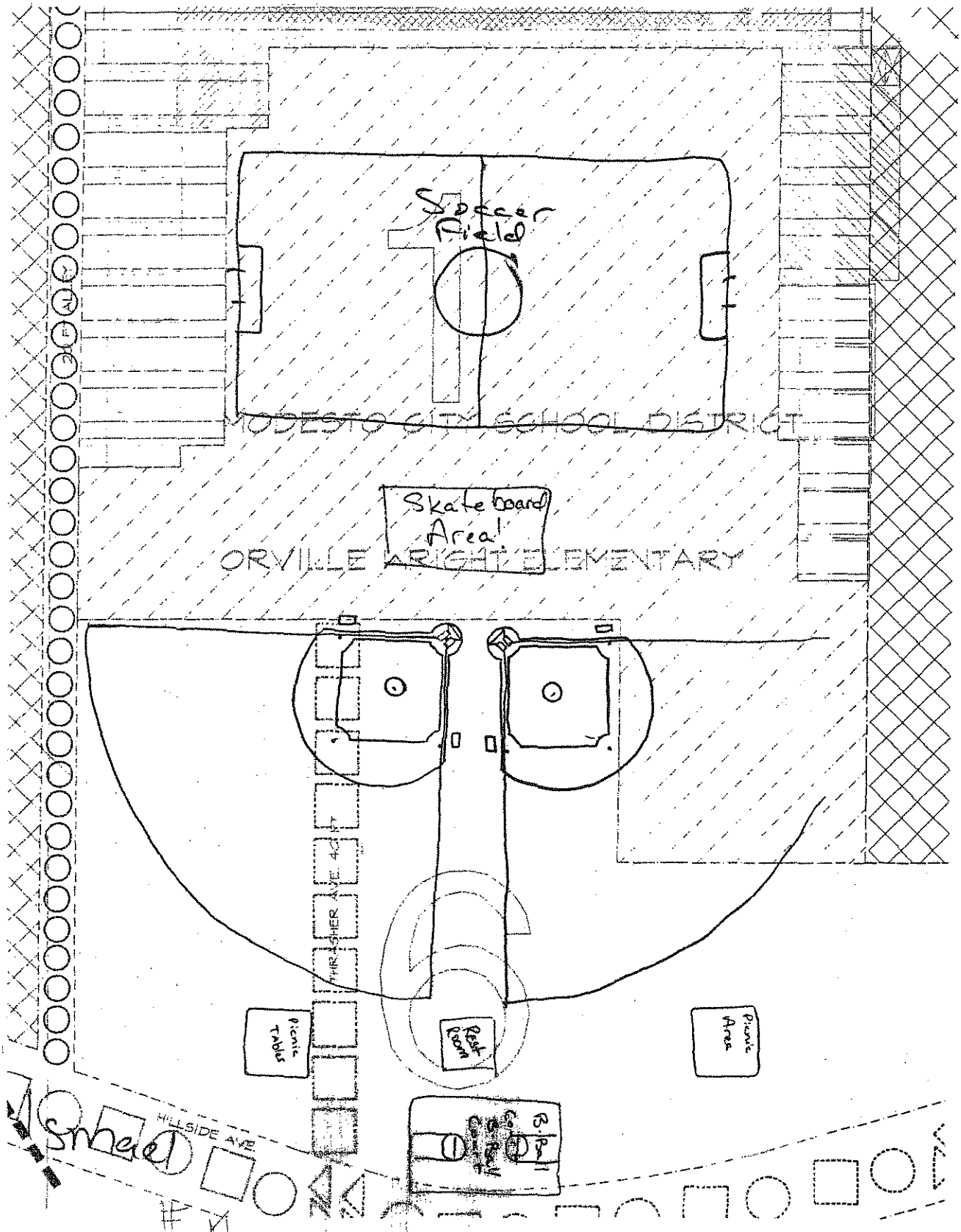

, RECREATION, AND NEIGHBORHOODS DEPARTMENT
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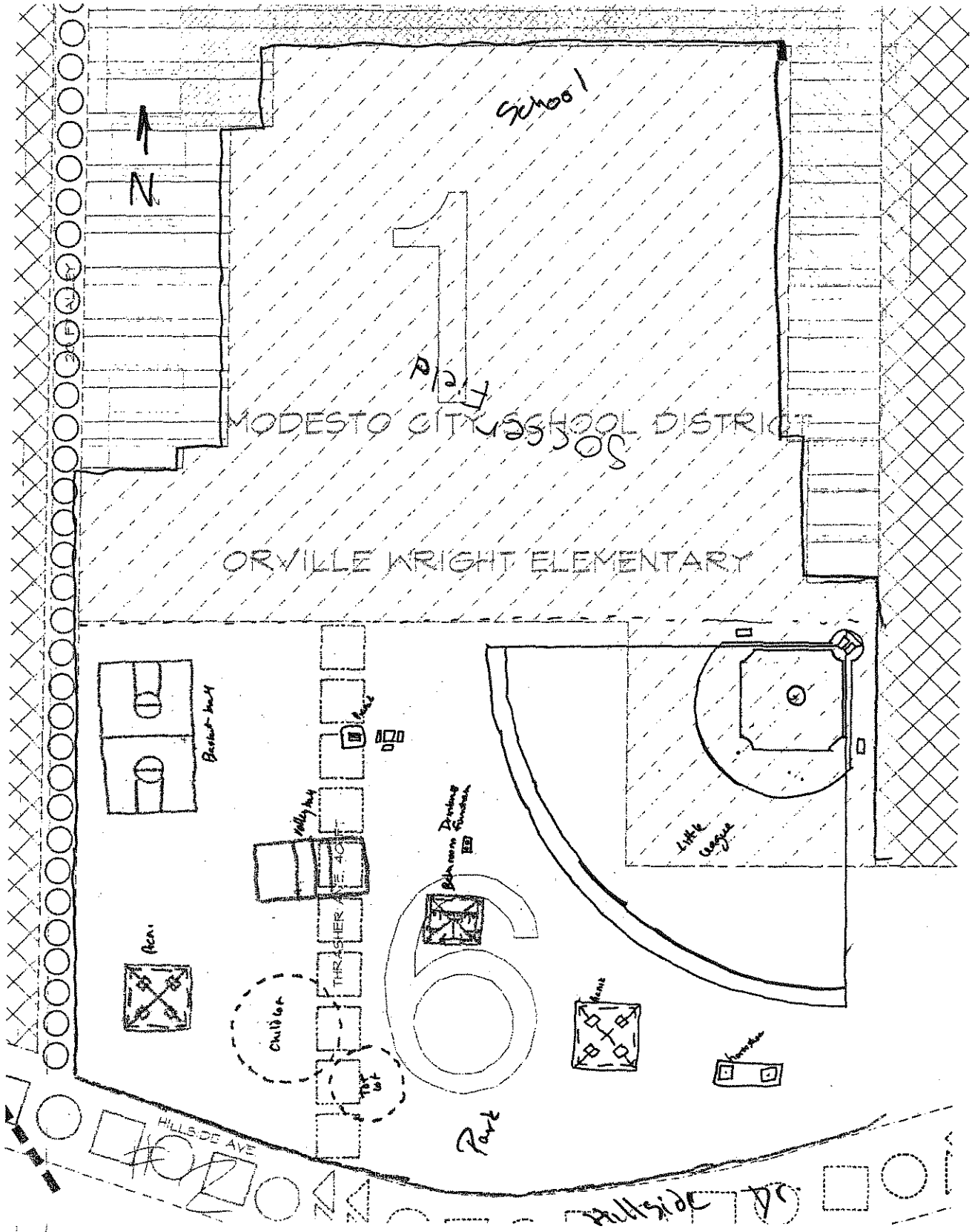
BASE I

IATES
AND PARK PLANNING

ORVILLE WRIGHT F

GROUP 1

Workshop #1 6/7/01



, RECREATION, AND NEIGHBORHOODS DEPARTMENT
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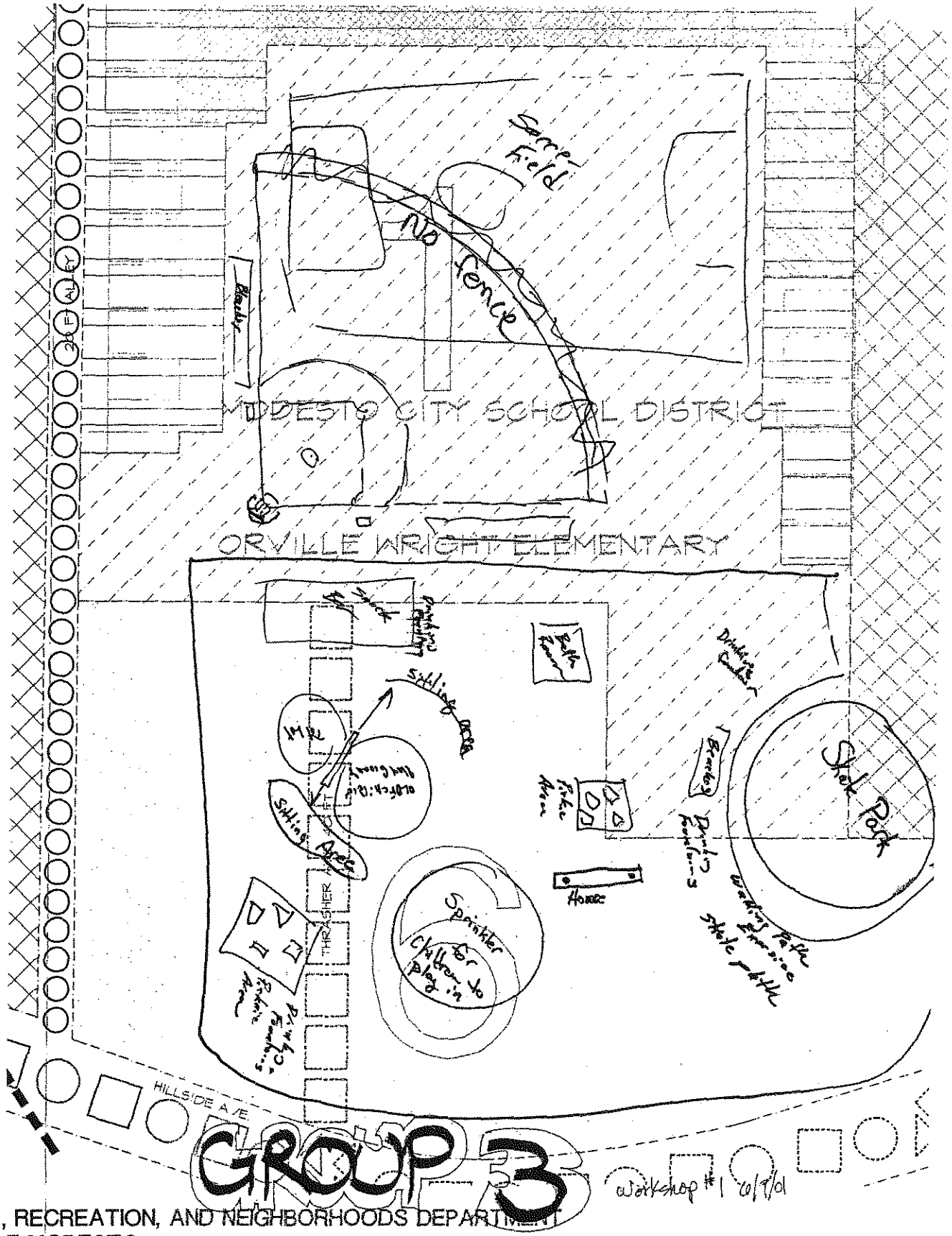
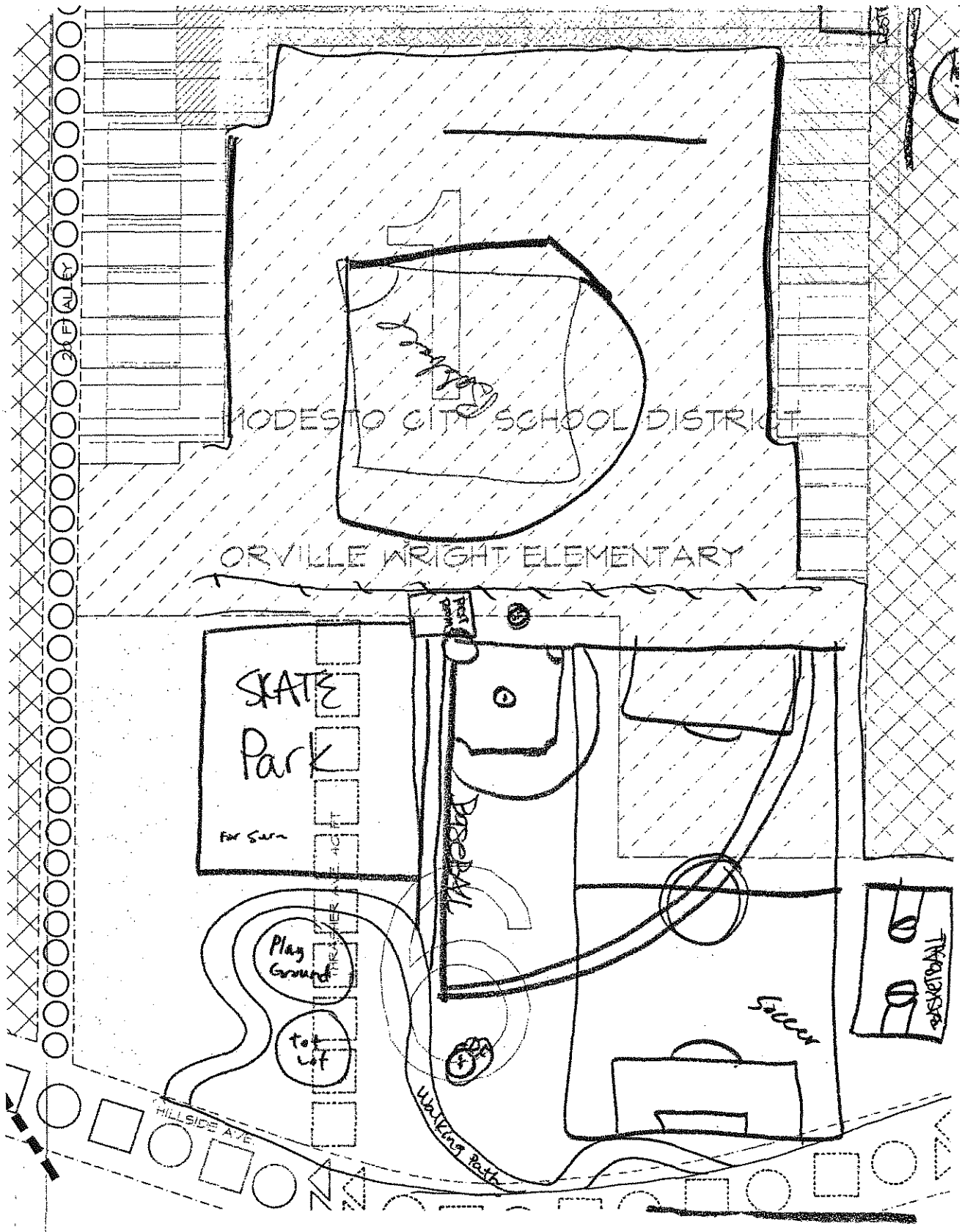
BASE
ORVILLE WRIGHT

IATES
AND PARK PLANNING

GROUP 2

Public workshop #1
6/1/01


Soccer Field
No fence
Bench
30' ALLEY
MODESTO CITY SCHOOL DISTRICT
ORVILLE WRIGHT ELEMENTARY
Bench
Drinking Fountain
Bench
Drinking Fountain
Shade Pole
Bench
Bench
Bench



, RECREATION, AND NEIGHBORHOODS DEPARTMENT
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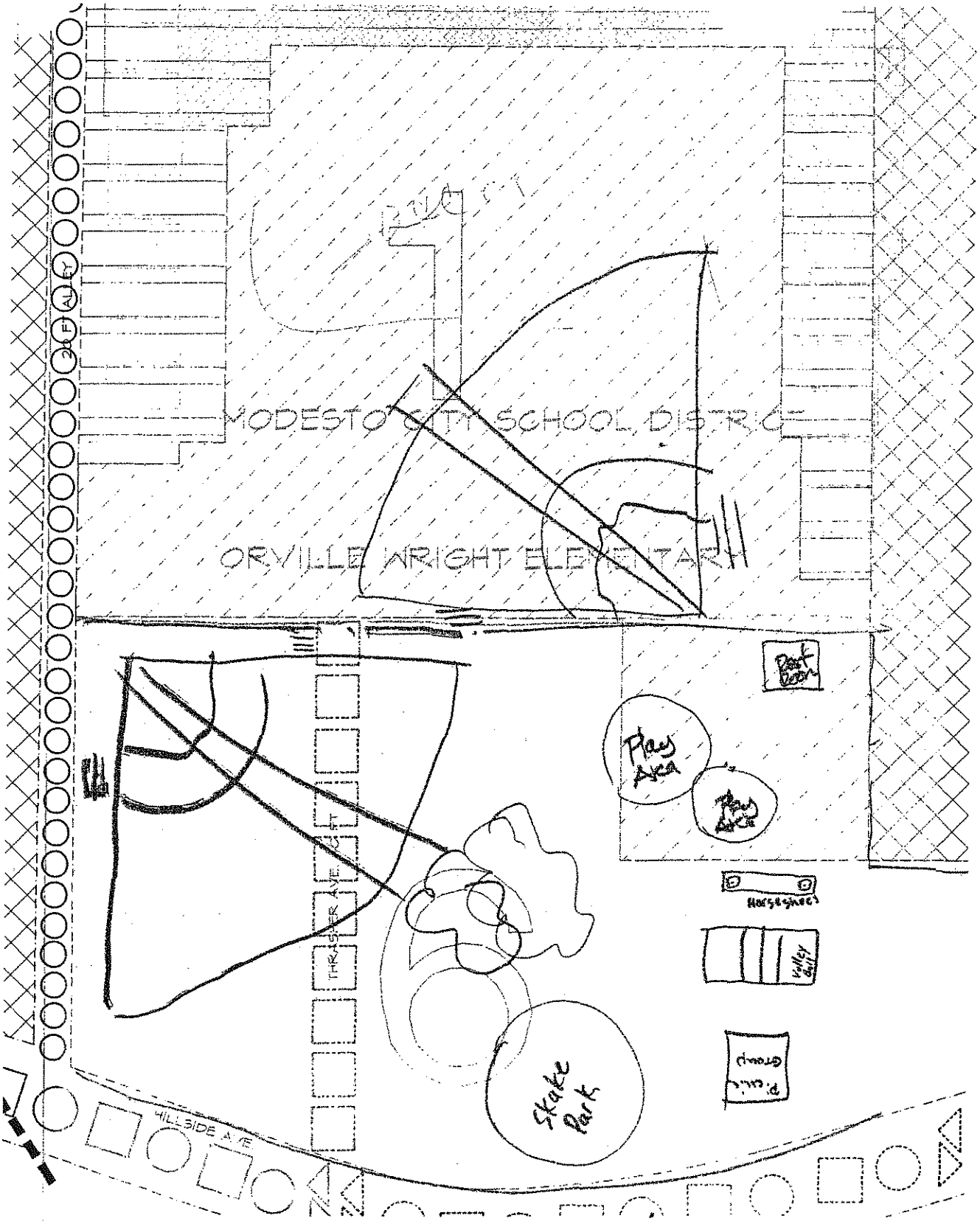
GROUP 4

ORVILLE WRIGHT P

Workshop #1



, RECREATION, AND NEIGHBORHOODS DEPARTMENT
OF MODESTO

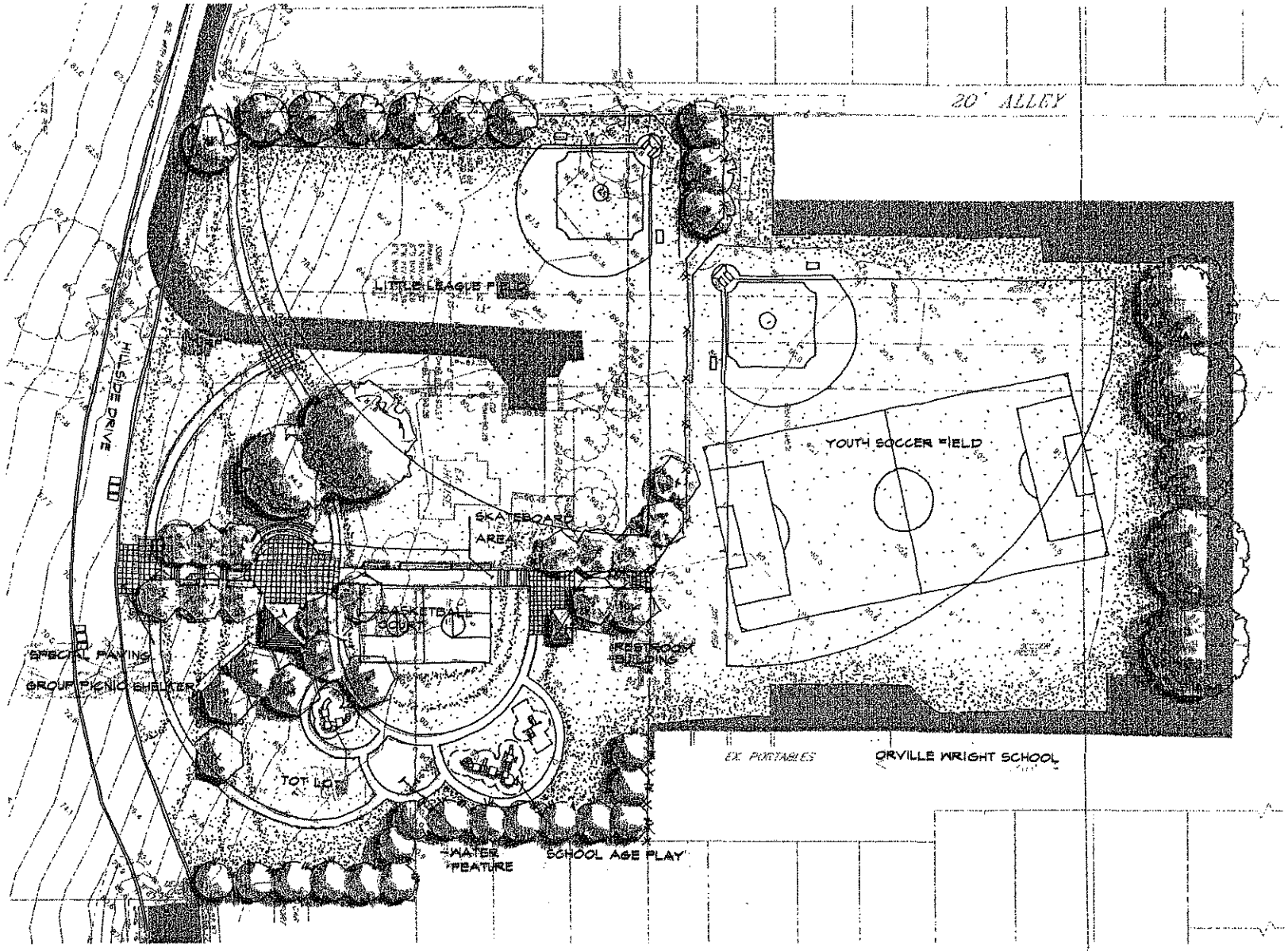
BASE M

IATES
AND PARK PLANNING

ORVILLE WRIGHT PA

GROUP 5

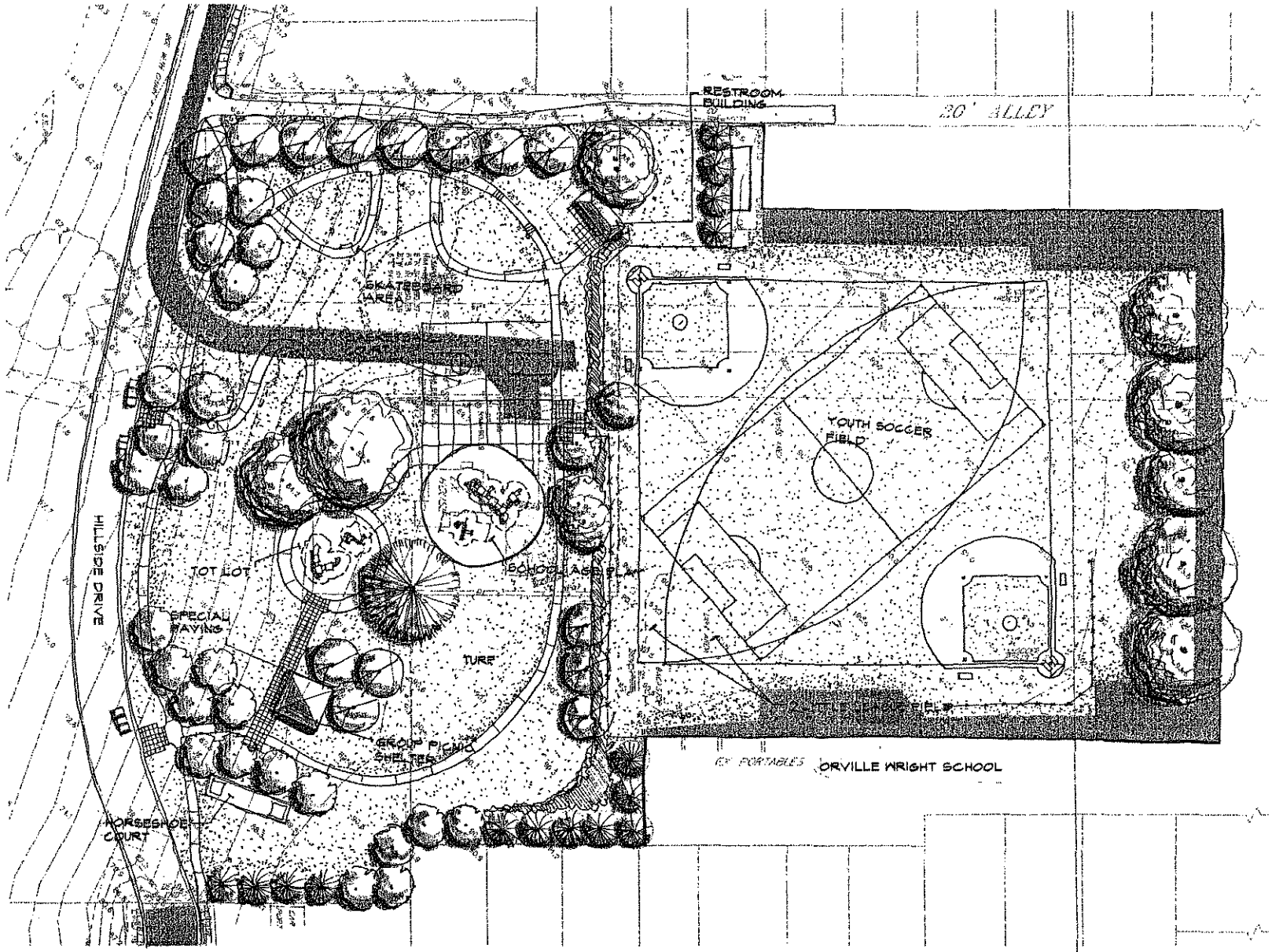
Public workshop #1



CONCEPT ONE
ORVILLE WRIGHT PARK 6/22/01

CALLANDER ASSOCIATES
LANDSCAPE ARCHITECTURE AND PARK PLANNING

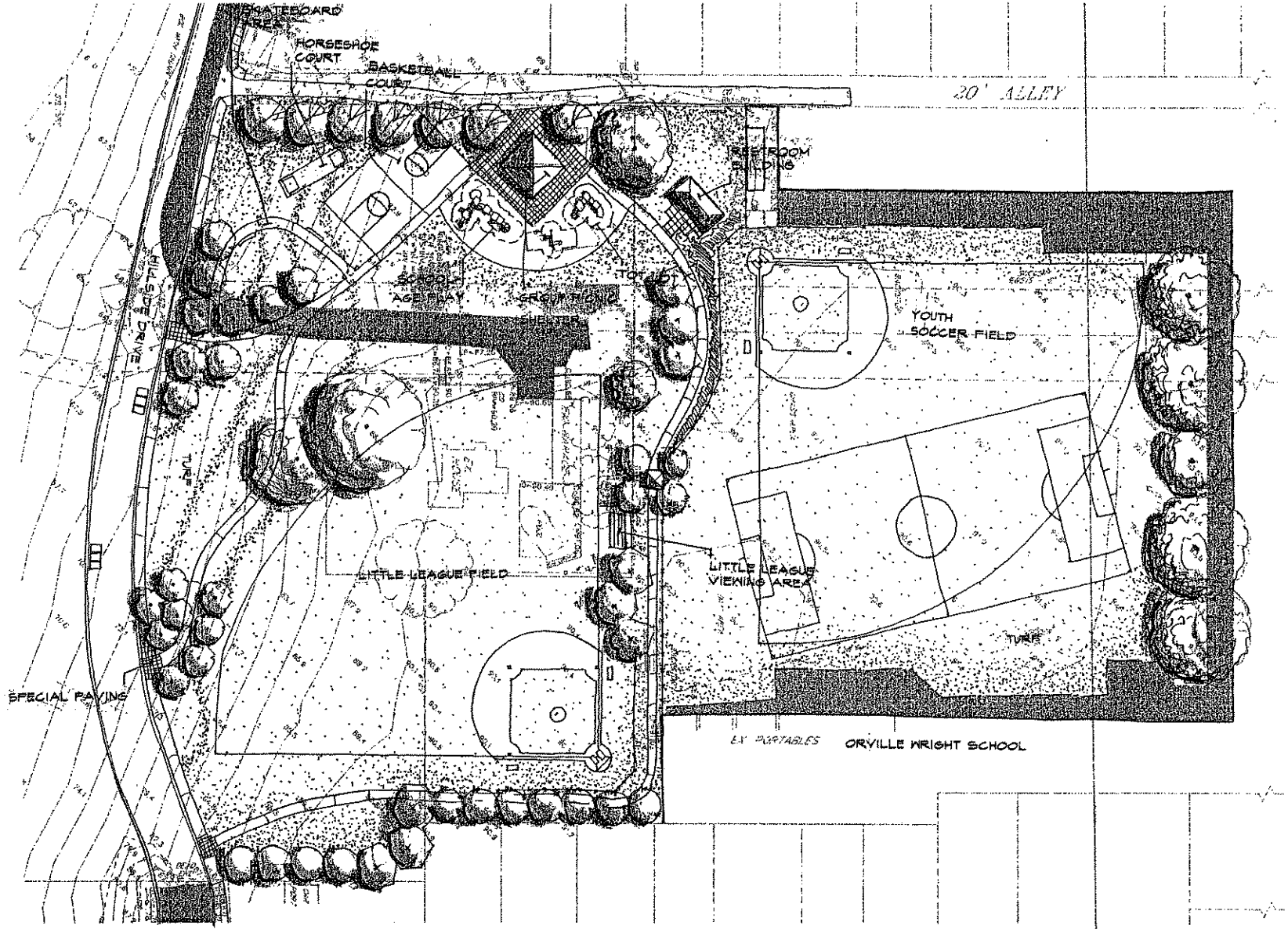
PARKS, RECREATION, AND NEIGHBORHOODS DEPARTMENT
CITIY OF MODESTO



CONCEPT TWO
ORVILLE WRIGHT PARK 7/04/01

CALLANDER ASSOCIATES
LANDSCAPE ARCHITECTURE AND PARK PLANNING

PARKS, RECREATION,
AND NEIGHBORHOODS DEPARTMENT
CITY OF MODESTO



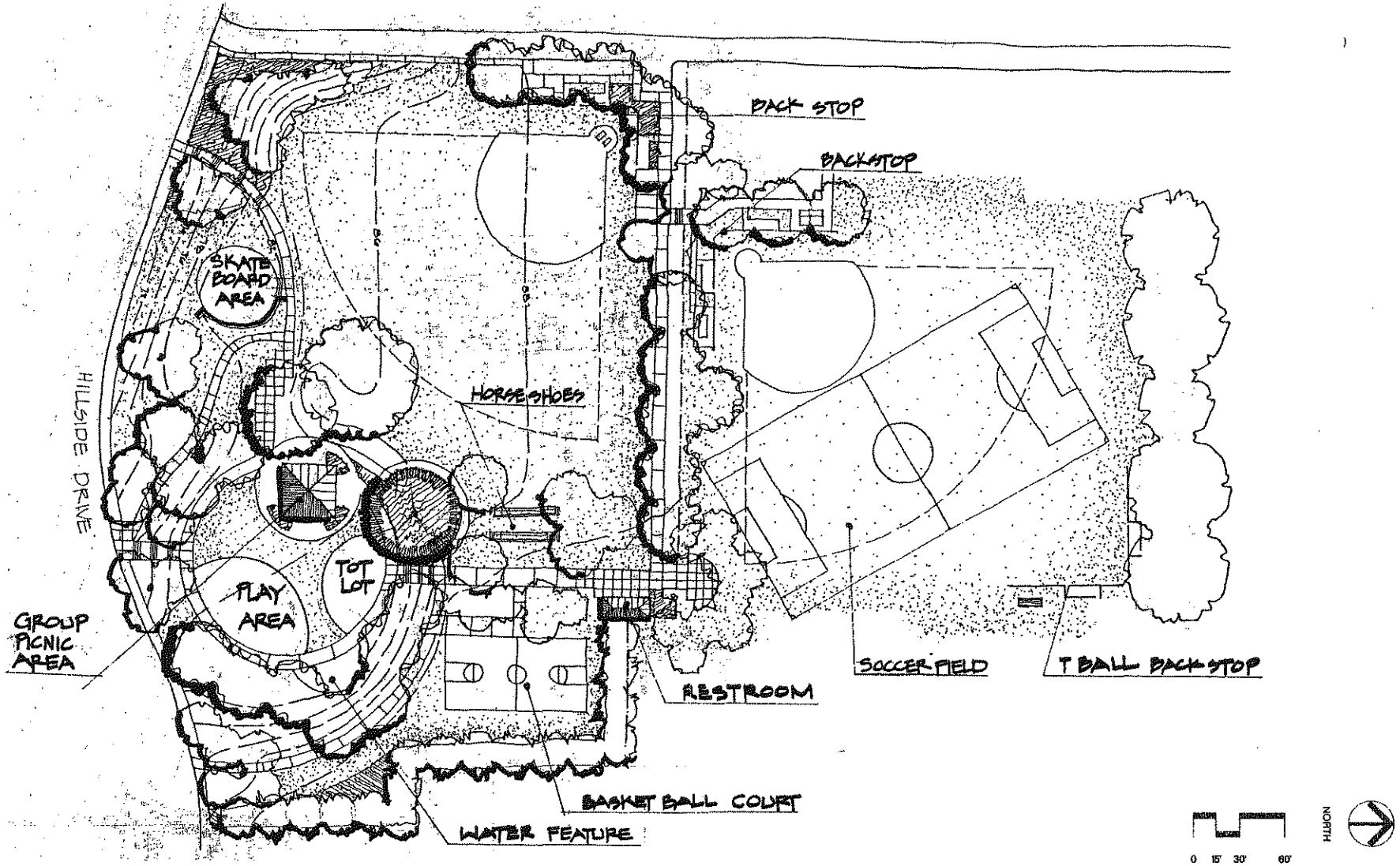
NORTH

0 15' 30' 60'

CONCEPT THREE
ORVILLE WRIGHT PARK 7/04/01

CALLANDER ASSOCIATES
LANDSCAPE ARCHITECTURE AND PARK PLANNING

PARKS, RECREATION, AND NEIGHBORHOODS DEPARTMENT
CITY OF MODESTO



PRELIMINARY PLAN
ORVILLE WRIGHT PARK 7/22/01

CALLANDER ASSOCIATES
LANDSCAPE ARCHITECTURE AND PARK PLANNING

PARKS, RECREATION,
AND NEIGHBORHOODS DEPARTMENT
CITY OF MODESTO

Print

RESCINDED
MAY 27 2003
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION 2003-267

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-304

A RESOLUTION ADJUSTING RENTAL CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD, RESCINDING COUNCIL RESOLUTION NO. 2001-609

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by resolution, to establish rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field, and

WHEREAS, during the past year the Consumer Price Index (CPI) of the western United States, which is used as the measurement for airport rates and fees adjustment increased at a rate of two and one-half percent (2.5%), and

WHEREAS, the Airport Advisory Committee recommended adoption of the rate increase at its meeting on February 20, 2002, and

WHEREAS, the Transportation Policy Committee met on March 21, 2002 and supported the recommendation of City staff to increase aircraft hangars, office space, and aircraft tie-down rentals at Modesto City-County Airport by 2.5%, and

WHERAS, by an agenda report to the City Council from the Engineering and Transportation Department, dated March 26, 2002, City staff recommended a rate increase of 2.5% for aircraft hangars, office space, and aircraft tie-down rentals at the Modesto City-County Airport, and

WHEREAS, a duly noticed public hearing was held by the Council on April 23, 2002 at 5:15 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing all interested persons were given an opportunity to be heard relative to the proposal to increase the rates and charges for Modesto City-County Airport's aircraft hangars, office space, and aircraft tie-down rentals,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(1) T-Hangars

Hangar A	.....	$110/*$135.00 unit per month
End Units	.....	$127/*$152.00 unit per month
Hangar B	.....	$133/*$158.00 unit per month
End Units	.....	$164/*$189.00 unit per month
Hangar C	.....	$140/*$165.00 unit per month
End Units	.....	$169/*$194.00 unit per month
Hangar D	.....	$125/*$150.00 unit per month
End Units	.....	$149/*$174.00 unit per month
Hangar E	.....	$183.00 unit per month
End Units	.....	$213.00 unit per month
Hangar F	.....	$183.00 unit per month
End Units	.....	$213.00 unit per month
Hangar G	.....	$183.00 unit per month
Hangar H	.....	$183.00 unit per month
Hangar I	.....	$357.00 unit per month
Hangar J	.....	$183.00 unit per month
Hangar K	.....	$205.00 unit per month
End Unit	.....	$307.00 unit per month
Storage	.....	$72.00 per month
Portable Land Rent	.....	$54.00 unit per month

* T-Hangar A – D with electrical service

A five percent (5%) discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid in advance.

(b) Storage Hangars:

Hangar No. 1	....	$1,341.00 – Sheriff Aero Squadron lease rate (is discounted to $910.00 per month)
Hangar No. 2	....	$1,118.00 per month
Hangar No. 3	....	$589.00 per month

Hangar No. 4 .... $1,002.00 per month

Hangar No. 5 .... $998.00 per month

Hangar No. 6 .... $584.00 per month

SECTION 2. TIE-DOWN FEES. Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) Tail-in Tie-Down – Permanent, light single and multi-engine (under 12,500 lbs.) $33.00 per month

(b) Taxi-in Tie-Down – Permanent, light single and multi-engine (under 12,500 lbs.) $54.00 per month

(c) Taxi-in Tie-Down – Permanent, large multi-engine (over 12,500 lbs.) $.039 per square foot per month

(d) Taxi-in Tie-Down – Transient, helicopter/single-engine aircraft $6.00 per day

(e) Taxi-in Tie-Down – Transient, twin-engine aircraft (under 12,500 lbs.) $8.00 per day

(f) Taxi-In Tie-Down – Transient, twin-engine aircraft (over 12,000 lbs.) $12.00 per day

(g) Jets – $12.00 per day

A five-percent (5%) discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year's lease is entered into and the year's rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO) that operate flight schools for light single and multi-engine aircraft (under 12,500 lbs.) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 3. BASED ULTRALIGHT VEHICLE FEE. An operator of an ultralight vehicle based at Modesto City-County Airport will pay to the city of Modesto an annual fee for the loss of fuel sales and personal property taxes not collected on ultralights that are collected on aircraft and helicopters. The fee is hereby established as follows:

Ultralight Vehicle . . . $100.00 per year

SECTION 4. OFFICE SPACE. The monthly charge for office spaces at the Modesto City-County Airport/Harry Sham Field are hereby established as follows:

(a) Old Administration Building ..... $.73 per square foot

(b) Office Building No. 1 ..... $.73 per square foot

(c) Office Building No. 2 ..... $.73 per square foot

(d) Hangar Office Space ..... $.334 per square foot

SECTION 5. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL. Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

(a) Ticket counter ..... $.067 per square foot

(b) Other areas ..... $.067 per square foot

SECTION 6. NONSCHEDULED TRANSIENT AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

(a) All light single, multi-engine aircraft and helicopters - $10.00 per landing

(b) All large single and multi-engine aircraft – $.66 per 1,000 pounds of gross weight, but not less than $10.00 per landing

(c) All transient aircraft owned and operated by individuals, companies, and corporations carrying their own products shall not be charged for the first two (2) trips per calendar months. All other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.

(d) No landing fee shall be charged for any aircraft, which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 7. PASSENGER FACILITY CHARGE (PFC). Commercial air carrying passengers excluding "frequent flyers" or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158.

(a) Enplane passenger by airline $3.00 per ticket passengers.

SECTION 8. ADVERTISEMENT CALLBOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement callboard as follows

Display Size	Display Only	Display & Telephone
7.5" x 9.5"	$30.00	$50.00
7.5" x 21"	$35.00	$55.00
19" x 21"	$40.00	$60.00

SECTION 9. FAX SERVICE. Persons wishing to use the airport administration office fax machine shall be charged for the service. Airport personnel is authorized to collect as follows:

(a) Incoming Service ..... $.50 per page

(b) Outgoing Service ..... Area code 209 - $1.00 per page
Other area codes - $2.00 first page
$1.50 - all other pages

SECTION 10. PERMANENTLY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise permanently based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title 6 of the Modesto Municipal Code, except that a minimum fee of $100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title 6 of the Modesto Municipal Code.

SECTION 11. FUEL FLOWAGE FEES. A fuel flowage fee of six cents ($.06) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 12. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and no/100ths ($200.00) Dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of Ninety and no/100ths ($90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 13. OFF-AIRPORT CAR RENTAL OPERATOR FEE. Off-airport operators picking up customers at the Modesto City-County Airport/Harry Sham Field will pay to the City of Modesto the greater of ten percent (10%) of gross on time mileage of vehicles rented or the monthly charge for passenger terminal advertisement space and callboard phone service. Additionally, the operators will be accessed a parking fee at the same rate on-airport car rental operators are charged for vehicles left in the public parking area overnight.

SECTION 14. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a time shall pay to the City a parking fee of Twenty-five and no/100ths ($25.00) Dollars per month, payable in advance.

SECTION 15. PENALTIES. A five percent (5%) per month penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 16. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES. Commencing July 1, 2002, the rents, fees and charges set forth in Sections 1, 2, and 3 of this resolution may be adjusted annually as of the first day of July.

Said rents, fees, and charges shall be adjusted in the following manner: The base for computing the adjustment is the National Consumer Price Index for the West Urban (all urban consumers), published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), with a base year of 1982 – 1984 = 100 ("Beginning Index"). The Index published for December each year compared with the month of December as Adjustment Index in preceding years will be used in determining the amount of the adjustment. If the Adjustment Index has increased over the Beginning Index, the rents, fees and charges set forth in this resolution shall be set by multiplying the rents, fees and charges set forth in this resolution by a fraction, the numerator of which is the Adjustment Index and the denominator of which is the Beginning Index.

In no case shall the minimum rents, fees and charges be less than existing approved and adopted rents, fees and charges nor shall any increase in a year be greater than five (5%) percent. If the indexes change so that the base year differs from that in effect on July 1, 2002, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any time after the effective date of this resolution, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

SECTION 17. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on July 1, 2002.

SECTION 18. SUPERSEDE. This resolution rescinds Council Resolution No. 2001-609.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-305

A RESOLUTION SUPPORTING THE CONCEPT OF FORMATION OF A VETERANS' MEMORIAL DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a citizen representing a group of veterans' associations in Stanislaus County has approached the City of Modesto for support in establishing a Veterans' Memorial District, and

WHEREAS, the District would be supported by establishment of a special property tax assessment, which will require the approval of the voters of Stanislaus County, and

WHEREAS, a resolution of support will enable the veterans' groups to move forward toward placing this action on a future ballot, and

WHEREAS, the Human Services Committee met on May 1, 2002, and supported the recommended action,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby supports the concept of formation of a Veterans' Memorial District in Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-306

A RESOLUTION AMENDING THE FY01-02 OPERATING BUDGET TO APPROPRIATE $682,000 FROM 0100-510-9510-0188, GENERAL PURPOSE ORGANIZATION, TO 0100-0180-1832-1038, FIRE DEPARTMENT, ARBITRATION ADJUSTMENT AND $38,000 FROM 0100-510-9510-0188 GENERAL PURPOSE ORGANIZATION TO 0100-180-1802-0260, FIRE DEPARTMENT, MISCELLANEOUS SERVICES AND $279,109 FROM 0100-800-8000-8003, GENERAL FUND CONTINGENCY RESERVE TO 0100-0180-1802-0260, FIRE DEPARTMENT MISCELLANEOUS SERVICES.

WHEREAS, the City Council desires to appropriate the funding for the costs of the City of Modesto vs. Modesto City Firefighters Association Interest Arbitration process and award;

NOW, THEREFORE, BE IT RESOLVED BY the council of the City of Modesto that the Fiscal Year 2001-02 Operating Budget is hereby amended as follows:

		Account	Current Budget	Adjustment	Revised Budget
FROM:	General Purpose Emp Benefits	0100-510-9510-0188		(720,000)	(720,000)
TO:	Fire Department-Arbitration Adjust.	0100-180-1832-0238 832-1038	0	682,000	682,000
FROM:	General Fund Reserve	0100-800-8000-8003		(279,109)	(279,109)
TO:	Fire Department-Misc. Services	0100-180-1802-0260	15,970	317,109	333,079

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

RESCINDED

JUN 26 2003

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2003-330

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-307

A RESOLUTION GRANTING SALARY AND BENEFIT CHANGES TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AMENDING THE CLASS RANGE TABLE FOR POLICE CAPTAIN (EXHIBIT "G") TO PROVIDE A 2.5% EQUITY ADJUSTMENT EFFECTIVE JUNE 18, 2002, AND RESCINDING RESOLUTION NO. 2001-270

WHEREAS, by Resolution No. 95-530 which became effective on November 7, 1995, the City Council amended the salary schedules for unrepresented Management and Confidential employees to incorporate a 9-Step Salary Step Plan, and

WHEREAS, the Council of the City of Modesto desires to approve a four (4%) percent across-the-board salary increase for unrepresented Management and Confidential employees, except that a five (5%) percent across-the-board increase shall be approved for Fire Battalion Chiefs and Fire Division Chiefs, effective June 18, 2002 and, subject to provisions of the Pay-for-Performance Plan, and

WHEREAS, the Council desires to approve a four (4%) percent across-the-board salary increase for Charter Officers, effective June 18, 2002, and

WHEREAS, the Council desires to approve a four (4%) percent increase in salary ranges for unrepresented Management and Confidential employees and Executives, including Charter Officers, and a five (5%) percent increase in salary ranges for Fire Battalion Chiefs and Fire Division Chiefs, and WHEREAS, the Council desires to provide a 2.5% equity adjustment, along with a 4% across-the-board increase (to salary range 1622) for Police Captain.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. SALARY RANGES, RATES AND EFFECTIVE DATES. The salary rates, salary ranges and salary steps as set forth in the following exhibits which are attached hereto and made a part hereof are hereby established and approved effective June 18, 2002, to provide for a four (4%) percent across-the-board salary adjustment for unrepresented Management and Confidential employees, except to provide a five (5%) percent across-the-board salary adjustment for Fire Battalion Chiefs and Division Chiefs, and to provide a four (4%) percent across-the-board salary adjustment for Charter Officers, and to provide a 2.5% equity adjustment along with a 4% across-the-board increase for Police Captain:

1. **Exhibit "A"** entitled "City Of Modesto Class Range Table, Management And Confidential Non-Sworn Classes, Effective June 18, 2002".

2. **Exhibit "B"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 02/03 Effective June 18, 2002 - Schedule D Management/Confidential - General".

3. **Exhibit "C"** entitled "City Of Modesto Class Range Table, Fire Management Classes, Effective June 18, 2002".

4. **Exhibit "D"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 02/03, Effective June 18, 2002 - Schedule E Management/Confidential - Fire- 80 hours - Division Chief".

5. **Exhibit "E"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 02-03, Effective June 18, 2002 - Schedule X, Fire Management - 80 Hrs. - Battalion Chief".

6. **Exhibit "F"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY02-03, Effective June 18, 2002 - Schedule Y, Fire Management - 112 Hrs. - Battalion Chief".

7. **Exhibit "G"** entitled "City Of Modesto Class Range Table, Police Management Classes (Unrepresented), Effective June 18, 2002".

8. **Exhibit "H"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 02/03, Effective June 18, 2002 - Schedule G Management/Confidential - Police - Unrepresented".

9. **Exhibit "I"** entitled "City Of Modesto Class Range Table, Executive Management, Effective June 18, 2002", which includes Charter Officers.

10. **Exhibit "J"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 02/03, Effective June 18, 2002 - Executive Management".

SECTION 2. CHARTER OFFICERS. Effective June 18, 2002, the salaries for the positions of the Charter Officers shall be as follows:

TITLES	HOURLY	BI-WEEKLY	MONTHLY
City Manager	$75.6302	$6050.42	$13159.66
City Attorney	$66.9621	$5356.97	$11651.40
City Clerk	$37.9928	$3039.42	$ 6610.74

SECTION 3. USE OF CLASSES. The designated classes of positions may be used in any organizational unit of the City deemed proper by the City Manager.

SECTION 4. POSITIONS. The City Council authorizes and directs the City Manager, within the limits of funds budgeted therefore, to appoint employees in such number and in such classes in each department as may be necessary to properly operate the department under the Charter, ordinances and resolutions adopted by the City Council, including, but not limited to, creating additional positions to replace employees who are on disability leave or other leaves of absence.

SECTION 5. APPOINTMENTS AND SALARIES. The City Manager is hereby authorized to appoint, in accordance with the applicable provisions of the Modesto Municipal Code and Personnel Rules and within the limits of funds budgeted therefore, any person to a position in a class for which he is the appointing authority and for which the salary is hereby provided, to designate the definite salary rate or salary step at which such person is appointed, and the salary so designated is hereby fixed as the salary of such employee for the position.

SECTION 6. SPECIAL SALARY RATES. The City Manager is further authorized, subject to budgetary appropriation control by the City Council, to fix the salary range or rate for part-time, hourly or special positions in the Unclassified Service for which the City Manager is the appointing authority and which are not designated herein.

SECTION 7. PART-TIME EMPLOYMENT. Employees appointed to any of the positions referred to herein who, with the approval of the City Manager, regularly work less hours per week than established for their class by rule 13.1 of the Personnel Rules, shall be paid in approximate proportion of the time worked.

SECTION 8. HEALTH, DENTAL AND VISION BENEFITS. The City's contribution to health, dental and vision benefits are hereby increased, as follows:

Increase	Effective Date	Coverage	Contribution Family	Single
$30.00 mo.	August 1, 2001	Family	$416.76 mo.	$317.98 mo.
$40.00 mo.	August 1, 2002	Family	$456.76 mo.	$317.98 mo.
$30.00 mo.	August 1, 2003	Family & Single	$486.76 mo.	$347.98 mo.
$30.00 mo.	August 1, 2004	Family & Single	$516.76 mo.	$377.98 mo.

SECTION 9. LEAVE CASHOUTS FOR SWORN FIRE MANAGEMENT EMPLOYEES. Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Division Chief and Fire Chief working a 40 hour schedule shall be afforded the opportunity to cashout up to 61 hours of vacation leave per calendar year (at straight time rates) and up to 88 hours of holiday leave per calendar year (at time and one-half), effective June 18, 2002.

SECTION 10. DEFERRED COMPENSATION PLAN FOR EXECUTIVE AND CHARTER OFFICERS. The City shall establish a 401(a) Deferred Compensation Plan for Fire Battalion Chiefs, Fire Division Chiefs, Police Captains, Executives and Charter Officers, excluding the City Manager for whom a plan has already been established. The 401(a) Deferred Compensation Plan shall be established effective January 1, 2003 and provide for a 1% City-paid contribution for Fire Battalion Chiefs, Fire Division Chiefs and Police Captains, a 2% City-paid contribution for Executives and a 4% City-paid contribution for Charter Officers, in addition to a mandatory employee contribution.

SECTION 11. MANAGEMENT AND CONFIDENTIAL LEAVE. Management Leave for Management employees shall be increased to 80 hours annually, effective January 1, 2002. Leave for Confidential employees shall be increased to 20 hours annually, effective January 1, 2002. The number of hours available for cashout shall be 40 hours annually for Management employees, 18 hours annually for Confidential employees, and 60 hours annually for Executives.

SECTION 12. UNIFORM ALLOWANCES. Uniform allowances for unrepresented Management and Confidential employees who are required to wear a uniform, shall be increased, as follows:

Positions	Effective Date	Increase
Sworn Police	January 1, 2002	$5.00 mo.
	January 1, 2003	$3.33 mo.
Non-Sworn Police	July 1, 2001	$5.00 mo.
	July 1, 2002	$5.00 mo.
	July 1, 2003	$5.00 mo.
	July 1, 2004	$5.00 mo.
Fire Management	July 1, 2001	$3.33 mo.
	January 1, 2002	$2.08 mo.
	January 1, 2003	$2.08 mo.
	January 1, 2004	$2.08 mo.

RESCINDED
JUN 26 2003
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2003-330

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-307

A RESOLUTION GRANTING SALARY AND BENEFIT CHANGES TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AMENDING THE CLASS RANGE TABLE FOR POLICE CAPTAIN (EXHIBIT "G") TO PROVIDE A 2.5% EQUITY ADJUSTMENT EFFECTIVE JUNE 18, 2002, AND RESCINDING RESOLUTION NO. 2001-270

WHEREAS, by Resolution No. 95-530 which became effective on November 7, 1995, the City Council amended the salary schedules for unrepresented Management and Confidential employees to incorporate a 9-Step Salary Step Plan, and

WHEREAS, the Council of the City of Modesto desires to approve a four (4%) percent across-the-board salary increase for unrepresented Management and Confidential employees, except that a five (5%) percent across-the-board increase shall be approved for Fire Battalion Chiefs and Fire Division Chiefs, effective June 18, 2002 and, subject to provisions of the Pay-for-Performance Plan, and

WHEREAS, the Council desires to approve a four (4%) percent across-the-board salary increase for Charter Officers, effective June 18, 2002, and

WHEREAS, the Council desires to approve a four (4%) percent increase in salary ranges for unrepresented Management and Confidential employees and Executives, including Charter Officers, and a five (5%) percent increase in salary ranges for Fire Battalion Chiefs and Fire Division Chiefs, and WHEREAS, the Council desires to provide a 2.5% equity adjustment, along with a 4% across-the-board increase (to salary range 1622) for Police Captain.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. SALARY RANGES, RATES AND EFFECTIVE DATES. The salary rates, salary ranges and salary steps as set forth in the following exhibits which are attached hereto and made a part hereof are hereby established and approved effective June 18, 2002, to provide for a four (4%) percent across-the-board salary adjustment for unrepresented Management and Confidential employees, except to provide a five (5%) percent across-the-board salary adjustment for Fire Battalion Chiefs and Division Chiefs, and to provide a four (4%) percent across-the-board salary adjustment for Charter Officers, and to provide a 2.5% equity adjustment along with a 4% across-the-board increase for Police Captain:

1. **Exhibit "A"** entitled "City Of Modesto Class Range Table, Management And Confidential Non-Sworn Classes, Effective June 18, 2002".

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8. **Exhibit "H"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 02/03, Effective June 18, 2002 - Schedule G Management/Confidential - Police - Unrepresented".

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	July 1, 2004	$5.00 mo.
Fire Management	July 1, 2001	$3.33 mo.
	January 1, 2002	$2.08 mo.
	January 1, 2003	$2.08 mo.
	January 1, 2004	$2.08 mo.

SECTION 13. WATER CERTIFICATION PAY. Management employees in the Water and Wastewater divisions, below the level of Superintendent, who have obtained a Grade V Wastewater Treatment Plant Operator or Grade V Water Distribution Operator Certification, shall be granted a 7.5% pay differential, effective June 19, 2001.

SECTION 14. CALL-DUTY PAY. Confidential employees in the classification of Systems Technician shall be eligible for Call-Duty pay and Call-Back pay, effective June 19, 2001. The provisions of Call-Duty and Call Back pay shall parallel those found in the MCEA MOU, as set forth in **Exhibit "K",** and shall continue to parallel the MCEA MOU provisions as they may be amended from time to time.

SECTION 15. REPEAL. Resolution No. 2001-270 is hereby rescinded, effective June 18, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Conrad, Keating
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **June 18, 2002**

RANGE	TITLE
403	Administrative Office Assistant I (Confidential)
407	Administrative Clerk II (Confidential) Administrative Office Assistant II (Confidential)
408	
409	
410	
411	Administrative Office Assistant III (Confidential) Police Clerk II (Confidential)
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary Senior Administrative Office Assistant (Confidential)
416	
417	
418	Legal Secretary
419	Police Training and Records Technician (Confidential) Public Information Technician (Confidential)
420	Accountant I (Confidential) Deputy City Clerk Employee Benefits Coordinator Executive Secretary Legal Services Technician Systems Technician Workers' Compensation Claims Examiner I

EXHIBIT "A"

RANGE	TITLE
421	
422	Office Supervisor Utility Dispatch Supervisor
423	Custodian Supervisor
424	Assistant Planner Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant Paralegal
426	Police Support Services Supervisor Stores Manager
427	Assistant City Clerk/Auditor Legal Services Administrator
428	Accountant II Budget Analyst Customer Services Specialist Customer Services Supervisor Senior Buyer
429	
430	Associate Planner Events Supervisor I Junior Civil Engineer Senior Crime Analyst Social Services Program Supervisor

EXHIBIT "A"

RANGE	TITLE
431	Administrative Analyst II
	Assistant Risk Manager
	Geographic Information Systems Analyst
	Personnel Analyst
	Recycling Program Coordinator
	Senior Budget Analyst
	Senior Community Development Program Specialist
	Systems Analyst
432	Communications Specialist
	Industrial Waste Supervisor
	Neighborhood Preservation Supervisor
	Operations and Maintenance Supervisor
	Plant Maintenance Supervisor
	Recreation Supervisor II
	Secondary Treatment Facilities Supervisor
	Senior Accountant
	Water Quality Control Operations Supervisor
	Youth Program Supervisor
433	Organizational Development Specialist
434	Arborist
	Assistant Civil Engineer
	Assistant Traffic Engineer
	Electrical Supervisor
	Events Supervisor II
	Geographic Information Systems Coordinator
	Operations Supervisor
	SCADA Supervisor
	Senior Housing Rehabilitation Specialist
	Senior Programmer Analyst
435	Business Analyst
	Cultural Services Manager
	Integrated Waste Specialist
	Management Analyst
	Senior Personnel Analyst
436	Senior Planner
437	Deputy City Attorney I

EXHIBIT "A"

RANGE	TITLE
438	Budget Officer Communications and Marketing Manager Development and Operations Coordinator Financial/Investment Officer Housing Program Supervisor Land Surveyor Property Agent Purchasing Supervisor Systems Engineer Transportation Planner
439	Administrative Services Officer Community Facilities Districts Administrative Officer
440	Associate Civil Engineer Associate Traffic Engineer
441	Airport Manager Assistant Personnel Director Building Maintenance Superintendent Deputy City Attorney II Fire Marshal Fleet Manager Golf Services Manager Parks Operations Superintendent Parks Planning and Development Manager Police Records Manager Recreation Superintendent Risk Manager Solid Waste Program Manager Streets Engineer Transit Manager Urban Forestry Superintendent Wastewater Collections Superintendent Water Superintendent

EXHIBIT "A"

RANGE	TITLE
442	Customer Services Division Manager Information Services Manager Manager of Budget and Financial Analysis Supervising Building Inspector Supervising Construction Inspector
443	Senior Deputy City Attorney I
444	Business Development Manager Deputy Chief Building Official General Services Manager Principal Planner
445	Accounting Division Manager Housing and Neighborhoods Division Manager
446	Water Quality Control Superintendent
447	Assistant to City Manager Chief Building Official Planning Division Manager Senior Civil Engineer Traffic Engineer
448	
449	Senior Deputy City Attorney II
450	
451	
452	Deputy Director – Cultural and Enterprise Services Deputy Director – Engineering & Transportation Deputy Director of Finance Deputy Director – Operations and Maintenance Deputy Director – Recreation and Neighborhoods
453	
455	Assistant City Attorney

EXHIBIT "A"

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 02-03
EFFECTIVE June 18, 2002

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

HOURLY

Range	1	2	3	4	5	6	7	8	9
0403	11.6548	11.9462	12.2449	12.5510	12.8648	13.1864	13.5161	13.8540	14.2004
0404	11.9462	12.2449	12.5510	12.8648	13.1864	13.5161	13.8540	14.2004	14.5554
0405	12.2449	12.5510	12.8648	13.1864	13.5161	13.8540	14.2004	14.5554	14.9193
0406	12.5510	12.8648	13.1864	13.5161	13.8540	14.2004	14.5554	14.9193	15.2923
0407	12.8648	13.1864	13.5161	13.8540	14.2004	14.5554	14.9193	15.2923	15.6746
0408	13.1864	13.5161	13.8540	14.2004	14.5554	14.9193	15.2923	15.6746	16.0665
0409	13.5161	13.8540	14.2004	14.5554	14.9193	15.2923	15.6746	16.0665	16.4682
0410	13.8540	14.2004	14.5554	14.9193	15.2923	15.6746	16.0665	16.4682	16.8799
0411	14.2004	14.5554	14.9193	15.2923	15.6746	16.0665	16.4682	16.8799	17.3019
0412	14.5554	14.9193	15.2923	15.6746	16.0665	16.4682	16.8799	17.3019	17.7344
0413	14.9193	15.2923	15.6746	16.0665	16.4682	16.8799	17.3019	17.7344	18.1778
0414	15.2923	15.6746	16.0665	16.4682	16.8799	17.3019	17.7344	18.1778	18.6322
0415	15.6746	16.0665	16.4682	16.8799	17.3019	17.7344	18.1778	18.6322	19.0980
0416	16.0665	16.4682	16.8799	17.3019	17.7344	18.1778	18.6322	19.0980	19.5755
0417	16.4682	16.8799	17.3019	17.7344	18.1778	18.6322	19.0980	19.5755	20.0649
0418	16.8799	17.3019	17.7344	18.1778	18.6322	19.0980	19.5755	20.0649	20.5665

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0403	932.38	955.70	979.59	1,004.08	1,029.18	1,054.91	1,081.29	1,108.32	1,136.03
0404	955.70	979.59	1,004.08	1,029.18	1,054.91	1,081.29	1,108.32	1,136.03	1,164.43
0405	979.59	1,004.08	1,029.18	1,054.91	1,081.29	1,108.32	1,136.03	1,164.43	1,193.54
0406	1,004.08	1,029.18	1,054.91	1,081.29	1,108.32	1,136.03	1,164.43	1,193.54	1,223.38
0407	1,029.18	1,054.91	1,081.29	1,108.32	1,136.03	1,164.43	1,193.54	1,223.38	1,253.97
0408	1,054.91	1,081.29	1,108.32	1,136.03	1,164.43	1,193.54	1,223.38	1,253.97	1,285.32
0409	1,081.29	1,108.32	1,136.03	1,164.43	1,193.54	1,223.38	1,253.97	1,285.32	1,317.46
0410	1,108.32	1,136.03	1,164.43	1,193.54	1,223.38	1,253.97	1,285.32	1,317.46	1,350.39
0411	1,136.03	1,164.43	1,193.54	1,223.38	1,253.97	1,285.32	1,317.46	1,350.39	1,384.15
0412	1,164.43	1,193.54	1,223.38	1,253.97	1,285.32	1,317.46	1,350.39	1,384.15	1,418.75
0413	1,193.54	1,223.38	1,253.97	1,285.32	1,317.46	1,350.39	1,384.15	1,418.75	1,454.22
0414	1,223.38	1,253.97	1,285.32	1,317.46	1,350.39	1,384.15	1,418.75	1,454.22	1,490.58
0415	1,253.97	1,285.32	1,317.46	1,350.39	1,384.15	1,418.75	1,454.22	1,490.58	1,527.84
0416	1,285.32	1,317.46	1,350.39	1,384.15	1,418.75	1,454.22	1,490.58	1,527.84	1,566.04
0417	1,317.46	1,350.39	1,384.15	1,418.75	1,454.22	1,490.58	1,527.84	1,566.04	1,605.19
0418	1,350.39	1,384.15	1,418.75	1,454.22	1,490.58	1,527.84	1,566.04	1,605.19	1,645.32

MONTHLY	1	2	3	4	5	6	7	8	9
0403	2,027.93	2,078.65	2,130.61	2,183.87	2,238.47	2,294.43	2,351.81	2,410.60	2,470.87
0404	2,078.65	2,130.61	2,183.87	2,238.47	2,294.43	2,351.81	2,410.60	2,470.87	2,532.64
0405	2,130.61	2,183.87	2,238.47	2,294.43	2,351.81	2,410.60	2,470.87	2,532.64	2,595.95
0406	2,183.87	2,238.47	2,294.43	2,351.81	2,410.60	2,470.87	2,532.64	2,595.95	2,660.85
0407	2,238.47	2,294.43	2,351.81	2,410.60	2,470.87	2,532.64	2,595.95	2,660.85	2,727.38
0408	2,294.43	2,351.81	2,410.60	2,470.87	2,532.64	2,595.95	2,660.85	2,727.38	2,795.57
0409	2,351.81	2,410.60	2,470.87	2,532.64	2,595.95	2,660.85	2,727.38	2,795.57	2,865.48
0410	2,410.60	2,470.87	2,532.64	2,595.95	2,660.85	2,727.38	2,795.57	2,865.48	2,937.10
0411	2,470.87	2,532.64	2,595.95	2,660.85	2,727.38	2,795.57	2,865.48	2,937.10	3,010.53
0412	2,532.64	2,595.95	2,660.85	2,727.38	2,795.57	2,865.48	2,937.10	3,010.53	3,085.78
0413	2,595.95	2,660.85	2,727.38	2,795.57	2,865.48	2,937.10	3,010.53	3,085.78	3,162.93
0414	2,660.85	2,727.38	2,795.57	2,865.48	2,937.10	3,010.53	3,085.78	3,162.93	3,242.01
0415	2,727.38	2,795.57	2,865.48	2,937.10	3,010.53	3,085.78	3,162.93	3,242.01	3,323.05
0416	2,795.57	2,865.48	2,937.10	3,010.53	3,085.78	3,162.93	3,242.01	3,323.05	3,406.14
0417	2,865.48	2,937.10	3,010.53	3,085.78	3,162.93	3,242.01	3,323.05	3,406.14	3,491.29
0418	2,937.10	3,010.53	3,085.78	3,162.93	3,242.01	3,323.05	3,406.14	3,491.29	3,578.57

EXHIBIT "B"

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 02-03
EFFECTIVE June 18, 2002

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

HOURLY 4.00%

Range	1	2	3	4	5	6	7	8	9
0419	17.3019	17.7344	18.1778	18.6322	19.0980	19.5755	20.0649	20.5665	21.0807
0420	17.7344	18.1778	18.6322	19.0980	19.5755	20.0649	20.5665	21.0807	21.6077
0421	18.1778	18.6322	19.0980	19.5755	20.0649	20.5665	21.0807	21.6077	22.1479
0422	18.6322	19.0980	19.5755	20.0649	20.5665	21.0807	21.6077	22.1479	22.7016
0423	19.0980	19.5755	20.0649	20.5665	21.0807	21.6077	22.1479	22.7016	23.2691
0424	19.5755	20.0649	20.5665	21.0807	21.6077	22.1479	22.7016	23.2691	23.8508
0425	20.0649	20.5665	21.0807	21.6077	22.1479	22.7016	23.2691	23.8508	24.4471
0426	20.5665	21.0807	21.6077	22.1479	22.7016	23.2691	23.8508	24.4471	25.0583
0427	21.0807	21.6077	22.1479	22.7016	23.2691	23.8508	24.4471	25.0583	25.6848
0428	21.6077	22.1479	22.7016	23.2691	23.8508	24.4471	25.0583	25.6848	26.3269
0429	22.1479	22.7016	23.2691	23.8508	24.4471	25.0583	25.6848	26.3269	26.9851
0430	22.7016	23.2691	23.8508	24.4471	25.0583	25.6848	26.3269	26.9851	27.6597
0431	23.2691	23.8508	24.4471	25.0583	25.6848	26.3269	26.9851	27.6597	28.3512
0432	23.8508	24.4471	25.0583	25.6848	26.3269	26.9851	27.6597	28.3512	29.0600

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0419	1,384.15	1,418.75	1,454.22	1,490.58	1,527.84	1,566.04	1,605.19	1,645.32	1,686.46
0420	1,418.75	1,454.22	1,490.58	1,527.84	1,566.04	1,605.19	1,645.32	1,686.46	1,728.62
0421	1,454.22	1,490.58	1,527.84	1,566.04	1,605.19	1,645.32	1,686.46	1,728.62	1,771.83
0422	1,490.58	1,527.84	1,566.04	1,605.19	1,645.32	1,686.46	1,728.62	1,771.83	1,816.13
0423	1,527.84	1,566.04	1,605.19	1,645.32	1,686.46	1,728.62	1,771.83	1,816.13	1,861.53
0424	1,566.04	1,605.19	1,645.32	1,686.46	1,728.62	1,771.83	1,816.13	1,861.53	1,908.06
0425	1,605.19	1,645.32	1,686.46	1,728.62	1,771.83	1,816.13	1,861.53	1,908.06	1,955.77
0426	1,645.32	1,686.46	1,728.62	1,771.83	1,816.13	1,861.53	1,908.06	1,955.77	2,004.66
0427	1,686.46	1,728.62	1,771.83	1,816.13	1,861.53	1,908.06	1,955.77	2,004.66	2,054.78
0428	1,728.62	1,771.83	1,816.13	1,861.53	1,908.06	1,955.77	2,004.66	2,054.78	2,106.15
0429	1,771.83	1,816.13	1,861.53	1,908.06	1,955.77	2,004.66	2,054.78	2,106.15	2,158.81
0430	1,816.13	1,861.53	1,908.06	1,955.77	2,004.66	2,054.78	2,106.15	2,158.81	2,212.78
0431	1,861.53	1,908.06	1,955.77	2,004.66	2,054.78	2,106.15	2,158.81	2,212.78	2,268.10
0432	1,908.06	1,955.77	2,004.66	2,054.78	2,106.15	2,158.81	2,212.78	2,268.10	2,324.80

MONTHLY	1	2	3	4	5	6	7	8	9
0419	3,010.53	3,085.78	3,162.93	3,242.01	3,323.05	3,406.14	3,491.29	3,578.57	3,668.05
0420	3,085.78	3,162.93	3,242.01	3,323.05	3,406.14	3,491.29	3,578.57	3,668.05	3,759.75
0421	3,162.93	3,242.01	3,323.05	3,406.14	3,491.29	3,578.57	3,668.05	3,759.75	3,853.73
0422	3,242.01	3,323.05	3,406.14	3,491.29	3,578.57	3,668.05	3,759.75	3,853.73	3,950.08
0423	3,323.05	3,406.14	3,491.29	3,578.57	3,668.05	3,759.75	3,853.73	3,950.08	4,048.83
0424	3,406.14	3,491.29	3,578.57	3,668.05	3,759.75	3,853.73	3,950.08	4,048.83	4,150.03
0425	3,491.29	3,578.57	3,668.05	3,759.75	3,853.73	3,950.08	4,048.83	4,150.03	4,253.80
0426	3,578.57	3,668.05	3,759.75	3,853.73	3,950.08	4,048.83	4,150.03	4,253.80	4,360.14
0427	3,668.05	3,759.75	3,853.73	3,950.08	4,048.83	4,150.03	4,253.80	4,360.14	4,469.15
0428	3,759.75	3,853.73	3,950.08	4,048.83	4,150.03	4,253.80	4,360.14	4,469.15	4,580.88
0429	3,853.73	3,950.08	4,048.83	4,150.03	4,253.80	4,360.14	4,469.15	4,580.88	4,695.41
0430	3,950.08	4,048.83	4,150.03	4,253.80	4,360.14	4,469.15	4,580.88	4,695.41	4,812.80
0431	4,048.83	4,150.03	4,253.80	4,360.14	4,469.15	4,580.88	4,695.41	4,812.80	4,933.12
0432	4,150.03	4,253.80	4,360.14	4,469.15	4,580.88	4,695.41	4,812.80	4,933.12	5,056.44

EXHIBIT "B"

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 02-03
EFFECTIVE June 18, 2002

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL
HOURLY

Range	1	2	3	4	5	6	7	8	9
0433	24.4471	25.0583	25.6848	26.3269	26.9851	27.6597	28.3512	29.0600	29.7865
0434	25.0583	25.6848	26.3269	26.9851	27.6597	28.3512	29.0600	29.7865	30.5312
0435	25.6848	26.3269	26.9851	27.6597	28.3512	29.0600	29.7865	30.5312	31.2945
0436	26.3269	26.9851	27.6597	28.3512	29.0600	29.7865	30.5312	31.2945	32.0769
0437	26.9851	27.6597	28.3512	29.0600	29.7865	30.5312	31.2945	32.0769	32.8788
0438	27.6597	28.3512	29.0600	29.7865	30.5312	31.2945	32.0769	32.8788	33.7008
0439	28.3512	29.0600	29.7865	30.5312	31.2945	32.0769	32.8788	33.7008	34.5433
0440	29.0600	29.7865	30.5312	31.2945	32.0769	32.8788	33.7008	34.5433	35.4069
0441	29.7865	30.5312	31.2945	32.0769	32.8788	33.7008	34.5433	35.4069	36.2921
0442	30.5312	31.2945	32.0769	32.8788	33.7008	34.5433	35.4069	36.2921	37.1994
0443	31.2945	32.0769	32.8788	33.7008	34.5433	35.4069	36.2921	37.1994	38.1294
0444	32.0769	32.8788	33.7008	34.5433	35.4069	36.2921	37.1994	38.1294	39.0826
0445	32.8788	33.7008	34.5433	35.4069	36.2921	37.1994	38.1294	39.0826	40.0597
0446	33.7008	34.5433	35.4069	36.2921	37.1994	38.1294	39.0826	40.0597	41.0612

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0433	1,955.77	2,004.66	2,054.78	2,106.15	2,158.81	2,212.78	2,268.10	2,324.80	2,382.92
0434	2,004.66	2,054.78	2,106.15	2,158.81	2,212.78	2,268.10	2,324.80	2,382.92	2,442.50
0435	2,054.78	2,106.15	2,158.81	2,212.78	2,268.10	2,324.80	2,382.92	2,442.50	2,503.56
0436	2,106.15	2,158.81	2,212.78	2,268.10	2,324.80	2,382.92	2,442.50	2,503.56	2,[illegible].15
0437	2,158.81	2,212.78	2,268.10	2,324.80	2,382.92	2,442.50	2,503.56	2,566.15	2,[illegible].30
0438	2,212.78	2,268.10	2,324.80	2,382.92	2,442.50	2,503.56	2,566.15	2,630.30	2,[illegible].06
0439	2,268.10	2,324.80	2,382.92	2,442.50	2,503.56	2,566.15	2,630.30	2,696.06	2,763.46
0440	2,324.80	2,382.92	2,442.50	2,503.56	2,566.15	2,630.30	2,696.06	2,763.46	2,832.55
0441	2,382.92	2,442.50	2,503.56	2,566.15	2,630.30	2,696.06	2,763.46	2,832.55	2,903.37
0442	2,442.50	2,503.56	2,566.15	2,630.30	2,696.06	2,763.46	2,832.55	2,903.37	2,975.95
0443	2,503.56	2,566.15	2,630.30	2,696.06	2,763.46	2,832.55	2,903.37	2,975.95	3,050.35
0444	2,566.15	2,630.30	2,696.06	2,763.46	2,832.55	2,903.37	2,975.95	3,050.35	3,126.61
0445	2,630.30	2,696.06	2,763.46	2,832.55	2,903.37	2,975.95	3,050.35	3,126.61	3,204.78
0446	2,696.06	2,763.46	2,832.55	2,903.37	2,975.95	3,050.35	3,126.61	3,204.78	3,284.90

MONTHLY	1	2	3	4	5	6	7	8	9
0433	4,253.80	4,360.14	4,469.15	4,580.88	4,695.41	4,812.80	4,933.12	5,056.44	5,182.85
0434	4,360.14	4,469.15	4,580.88	4,695.41	4,812.80	4,933.12	5,056.44	5,182.85	5,312.44
0435	4,469.15	4,580.88	4,695.41	4,812.80	4,933.12	5,056.44	5,182.85	5,312.44	5,445.24
0436	4,580.88	4,695.41	4,812.80	4,933.12	5,056.44	5,182.85	5,312.44	5,445.24	5,581.38
0437	4,695.41	4,812.80	4,933.12	5,056.44	5,182.85	5,312.44	5,445.24	5,581.38	5,720.90
0438	4,812.80	4,933.12	5,056.44	5,182.85	5,312.44	5,445.24	5,581.38	5,720.90	5,863.93
0439	4,933.12	5,056.44	5,182.85	5,312.44	5,445.24	5,581.38	5,720.90	5,863.93	6,010.53
0440	5,056.44	5,182.85	5,312.44	5,445.24	5,581.38	5,720.90	5,863.93	6,010.53	6,160.80
0441	5,182.85	5,312.44	5,445.24	5,581.38	5,720.90	5,863.93	6,010.53	6,160.80	6,314.83
0442	5,312.44	5,445.24	5,581.38	5,720.90	5,863.93	6,010.53	6,160.80	6,314.83	6,472.69
0443	5,445.24	5,581.38	5,720.90	5,863.93	6,010.53	6,160.80	6,314.83	6,472.69	6,[illegible].51
0444	5,581.38	5,720.90	5,863.93	6,010.53	6,160.80	6,314.83	6,472.69	6,634.51	6,[illegible].38
0445	5,720.90	5,863.93	6,010.53	6,160.80	6,314.83	6,472.69	6,634.51	6,800.38	6,[illegible].40
0446	5,863.93	6,010.53	6,160.80	6,314.83	6,472.69	6,634.51	6,800.38	6,970.40	7,144.66

EXHIBIT "B"

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 02-03
EFFECTIVE June 18, 2002

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

HOURLY 4.00%

Range	1	2	3	4	5	6	7	8	9
0447	34.5433	35.4069	36.2921	37.1994	38.1294	39.0826	40.0597	41.0612	42.0877
0448	35.4069	36.2921	37.1994	38.1294	39.0826	40.0597	41.0612	42.0877	43.1399
0449	36.2921	37.1994	38.1294	39.0826	40.0597	41.0612	42.0877	43.1399	44.2184
0450	37.1994	38.1294	39.0826	40.0597	41.0612	42.0877	43.1399	44.2184	45.3239
0451	38.1294	39.0826	40.0597	41.0612	42.0877	43.1399	44.2184	45.3239	46.4570
0452	39.0826	40.0597	41.0612	42.0877	43.1399	44.2184	45.3239	46.4570	47.6184
0453	40.0597	41.0612	42.0877	43.1399	44.2184	45.3239	46.4570	47.6184	48.8089
0454	41.0612	42.0877	43.1399	44.2184	45.3239	46.4570	47.6184	48.8089	50.0291
0455	42.0877	43.1399	44.2184	45.3239	46.4570	47.6184	48.8089	50.0291	51.2798
0456	43.1399	44.2184	45.3239	46.4570	47.6184	48.8089	50.0291	51.2798	52.5618
0457	44.2184	45.3239	46.4570	47.6184	48.8089	50.0291	51.2798	52.5618	53.8758
0458	45.3239	46.4570	47.6184	48.8089	50.0291	51.2798	52.5618	53.8758	55.2227
0459	46.4570	47.6184	48.8089	50.0291	51.2798	52.5618	53.8758	55.2227	56.6033
0460	47.6184	48.8089	50.0291	51.2798	52.5618	53.8758	55.2227	56.6033	58.0184

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0447	2,763.46	2,832.55	2,903.37	2,975.95	3,050.35	3,126.61	3,204.78	3,284.90	3,367.02
0448	2,832.55	2,903.37	2,975.95	3,050.35	3,126.61	3,204.78	3,284.90	3,367.02	3,451.19
0449	2,903.37	2,975.95	3,050.35	3,126.61	3,204.78	3,284.90	3,367.02	3,451.19	3,537.47
0450	2,975.95	3,050.35	3,126.61	3,204.78	3,284.90	3,367.02	3,451.19	3,537.47	3,625.91
0451	3,050.35	3,126.61	3,204.78	3,284.90	3,367.02	3,451.19	3,537.47	3,625.91	3,716.56
0452	3,126.61	3,204.78	3,284.90	3,367.02	3,451.19	3,537.47	3,625.91	3,716.56	3,809.47
0453	3,204.78	3,284.90	3,367.02	3,451.19	3,537.47	3,625.91	3,716.56	3,809.47	3,904.71
0454	3,284.90	3,367.02	3,451.19	3,537.47	3,625.91	3,716.56	3,809.47	3,904.71	4,002.33
0455	3,367.02	3,451.19	3,537.47	3,625.91	3,716.56	3,809.47	3,904.71	4,002.33	4,102.38
0456	3,451.19	3,537.47	3,625.91	3,716.56	3,809.47	3,904.71	4,002.33	4,102.38	4,204.94
0457	3,537.47	3,625.91	3,716.56	3,809.47	3,904.71	4,002.33	4,102.38	4,204.94	4,310.06
0458	3,625.91	3,716.56	3,809.47	3,904.71	4,002.33	4,102.38	4,204.94	4,310.06	4,417.82
0459	3,716.56	3,809.47	3,904.71	4,002.33	4,102.38	4,204.94	4,310.06	4,417.82	4,528.26
0460	3,809.47	3,904.71	4,002.33	4,102.38	4,204.94	4,310.06	4,417.82	4,528.26	4,641.47

MONTHLY	1	2	3	4	5	6	7	8	9
0447	6,010.53	6,160.80	6,314.83	6,472.69	6,634.51	6,800.38	6,970.40	7,144.66	7,323.27
0448	6,160.80	6,314.83	6,472.69	6,634.51	6,800.38	6,970.40	7,144.66	7,323.27	7,506.34
0449	6,314.83	6,472.69	6,634.51	6,800.38	6,970.40	7,144.66	7,323.27	7,506.34	7,694.00
0450	6,472.69	6,634.51	6,800.38	6,970.40	7,144.66	7,323.27	7,506.34	7,694.00	7,886.35
0451	6,634.51	6,800.38	6,970.40	7,144.66	7,323.27	7,506.34	7,694.00	7,886.35	8,083.52
0452	6,800.38	6,970.40	7,144.66	7,323.27	7,506.34	7,694.00	7,886.35	8,083.52	8,285.60
0453	6,970.40	7,144.66	7,323.27	7,506.34	7,694.00	7,886.35	8,083.52	8,285.60	8,492.74
0454	7,144.66	7,323.27	7,506.34	7,694.00	7,886.35	8,083.52	8,285.60	8,492.74	8,705.07
0455	7,323.27	7,506.34	7,694.00	7,886.35	8,083.52	8,285.60	8,492.74	8,705.07	8,922.68
0456	7,506.34	7,694.00	7,886.35	8,083.52	8,285.60	8,492.74	8,705.07	8,922.68	9,145.74
0457	7,694.00	7,886.35	8,083.52	8,285.60	8,492.74	8,705.07	8,922.68	9,145.74	9,374.38
0458	7,886.35	8,083.52	8,285.60	8,492.74	8,705.07	8,922.68	9,145.74	9,374.38	9,608.76
0459	8,083.52	8,285.60	8,492.74	8,705.07	8,922.68	9,145.74	9,374.38	9,608.76	9,848.97
0460	8,285.60	8,492.74	8,705.07	8,922.68	9,145.74	9,374.38	9,608.76	9,848.97	10,095.20

EXHIBIT "B"

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES

Effective **June 18, 2002**

RANGE	TITLE
512	
513	
514	
515	
516	
517	Fire Division Chief
812	Fire Battalion Chief (112 hrs)
1812	Fire Battalion Chief (80 hrs)

EXHIBIT "C"

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 02-03

Effective June 18, 2002

SCHEDULE - E

MANAGEMENT/CONFIDENTIAL FIRE - 80 hours

DIVISION CHIEF

5.00%

Range	1	2	3	4	5	6	7	8	9
HOURLY									
515	36.5157	37.4286	38.3643	39.3234	40.3065	41.3142	42.3471	43.4058	44.4909
516	37.4286	38.3643	39.3234	40.3065	41.3142	42.3471	43.4058	44.4909	45.6032
517	38.3643	39.3234	40.3065	41.3142	42.3471	43.4058	44.4909	45.6032	46.7433
518	39.3234	40.3065	41.3142	42.3471	43.4058	44.4909	45.6032	46.7433	47.9119
519	40.3065	41.3142	42.3471	43.4058	44.4909	45.6032	46.7433	47.9119	49.1097
520	41.3142	42.3471	43.4058	44.4909	45.6032	46.7433	47.9119	49.1097	50.3374
521	42.3471	43.4058	44.4909	45.6032	46.7433	47.9119	49.1097	50.3374	51.5958
522	43.4058	44.4909	45.6032	46.7433	47.9119	49.1097	50.3374	51.5958	52.8857
523	44.4909	45.6032	46.7433	47.9119	49.1097	50.3374	51.5958	52.8857	54.2078
524	45.6032	46.7433	47.9119	49.1097	50.3374	51.5958	52.8857	54.2078	55.5630
525	46.7433	47.9119	49.1097	50.3374	51.5958	52.8857	54.2078	55.5630	56.9521
526	47.9119	49.1097	50.3374	51.5958	52.8857	54.2078	55.5630	56.9521	58.3759
527	49.1097	50.3374	51.5958	52.8857	54.2078	55.5630	56.9521	58.3759	59.8353
528	50.3374	51.5958	52.8857	54.2078	55.5630	56.9521	58.3759	59.8353	61.3312
BI-WEEKLY									
515	2,921.26	2,994.29	3,069.14	3,145.87	3,224.52	3,305.14	3,387.77	3,472.46	3,559.27
516	2,994.29	3,069.14	3,145.87	3,224.52	3,305.14	3,387.77	3,472.46	3,559.27	3,648.26
517	3,069.14	3,145.87	3,224.52	3,305.14	3,387.77	3,472.46	3,559.27	3,648.26	3,739.46
518	3,145.87	3,224.52	3,305.14	3,387.77	3,472.46	3,559.27	3,648.26	3,739.46	3,832.95
519	3,224.52	3,305.14	3,387.77	3,472.46	3,559.27	3,648.26	3,739.46	3,832.95	3,928.78
520	3,305.14	3,387.77	3,472.46	3,559.27	3,648.26	3,739.46	3,832.95	3,928.78	4,026.99
521	3,387.77	3,472.46	3,559.27	3,648.26	3,739.46	3,832.95	3,928.78	4,026.99	4,127.66
522	3,472.46	3,559.27	3,648.26	3,739.46	3,832.95	3,928.78	4,026.99	4,127.66	4,230.86
523	3,559.27	3,648.26	3,739.46	3,832.95	3,928.78	4,026.99	4,127.66	4,230.86	4,336.62
524	3,648.26	3,739.46	3,832.95	3,928.78	4,026.99	4,127.66	4,230.86	4,336.62	4,445.04
525	3,739.46	3,832.95	3,928.78	4,026.99	4,127.66	4,230.86	4,336.62	4,445.04	4,556.17
526	3,832.95	3,928.78	4,026.99	4,127.66	4,230.86	4,336.62	4,445.04	4,556.17	4,670.07
527	3,928.78	4,026.99	4,127.66	4,230.86	4,336.62	4,445.04	4,556.17	4,670.07	4,786.82
528	4,026.99	4,127.66	4,230.86	4,336.62	4,445.04	4,556.17	4,670.07	4,786.82	4,906.50
MONTHLY									
515	6,353.74	6,512.58	6,675.38	6,842.27	7,013.33	7,188.68	7,368.40	7,552.60	7,741.41
516	6,512.58	6,675.38	6,842.27	7,013.33	7,188.68	7,368.40	7,552.60	7,741.41	7,934.97
517	6,675.38	6,842.27	7,013.33	7,188.68	7,368.40	7,552.60	7,741.41	7,934.97	8,133.33
518	6,842.27	7,013.33	7,188.68	7,368.40	7,552.60	7,741.41	7,934.97	8,133.33	8,336.67
519	7,013.33	7,188.68	7,368.40	7,552.60	7,741.41	7,934.97	8,133.33	8,336.67	8,545.10
520	7,188.68	7,368.40	7,552.60	7,741.41	7,934.97	8,133.33	8,336.67	8,545.10	8,758.70
521	7,368.40	7,552.60	7,741.41	7,934.97	8,133.33	8,336.67	8,545.10	8,758.70	8,977.66
522	7,552.60	7,741.41	7,934.97	8,133.33	8,336.67	8,545.10	8,758.70	8,977.66	9,202.12
523	7,741.41	7,934.97	8,133.33	8,336.67	8,545.10	8,758.70	8,977.66	9,202.12	9,432.15
524	7,934.97	8,133.33	8,336.67	8,545.10	8,758.70	8,977.66	9,202.12	9,432.15	9,667.96
525	8,133.33	8,336.67	8,545.10	8,758.70	8,977.66	9,202.12	9,432.15	9,667.96	9,909.67
526	8,336.67	8,545.10	8,758.70	8,977.66	9,202.12	9,432.15	9,667.96	9,909.67	10,157.40
527	8,545.10	8,758.70	8,977.66	9,202.12	9,432.15	9,667.96	9,909.67	10,157.40	10,411.33
528	8,758.70	8,977.66	9,202.12	9,432.15	9,667.96	9,909.67	10,157.40	10,411.33	10,671.64

EXHIBIT "D"

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 02-03

Effective June 18, 2002

SCHEDULE - X

FIRE MANAGEMENT - 80 HRS

BATTALION CHIEF

5[illegible]%

Range	1	2	3	4	5	6	7	8	9
HOURLY									
1812	34.4793	35.3413	36.2248	37.1304	38.0587	39.0102	39.9855	40.9851	42.0097
1813	35.3413	36.2248	37.1304	38.0587	39.0102	39.9855	40.9851	42.0097	43.0599
1814	36.2248	37.1304	38.0587	39.0102	39.9855	40.9851	42.0097	43.0599	44.1364
1815	37.1304	38.0587	39.0102	39.9855	40.9851	42.0097	43.0599	44.1364	45.2398
1816	38.0587	39.0102	39.9855	40.9851	42.0097	43.0599	44.1364	45.2398	46.3708
1817	39.0102	39.9855	40.9851	42.0097	43.0599	44.1364	45.2398	46.3708	47.5301
1818	39.9855	40.9851	42.0097	43.0599	44.1364	45.2398	46.3708	47.5301	48.7184
1819	40.9851	42.0097	43.0599	44.1364	45.2398	46.3708	47.5301	48.7184	49.9364
1820	42.0097	43.0599	44.1364	45.2398	46.3708	47.5301	48.7184	49.9364	51.1848
1821	43.0599	44.1364	45.2398	46.3708	47.5301	48.7184	49.9364	51.1848	52.4644
1822	44.1364	45.2398	46.3708	47.5301	48.7184	49.9364	51.1848	52.4644	53.7760
1823	45.2398	46.3708	47.5301	48.7184	49.9364	51.1848	52.4644	53.7760	55.1204
1824	46.3708	47.5301	48.7184	49.9364	51.1848	52.4644	53.7760	55.1204	56.4984
BI-WEEKLY									
1812	2,758.34	2,827.30	2,897.98	2,970.43	3,044.70	3,120.82	3,198.84	3,278.81	3,360.78
1813	2,827.30	2,897.98	2,970.43	3,044.70	3,120.82	3,198.84	3,278.81	3,360.78	3,444.79
1814	2,897.98	2,970.43	3,044.70	3,120.82	3,198.84	3,278.81	3,360.78	3,444.79	3,53[illegible]
1815	2,970.43	3,044.70	3,120.82	3,198.84	3,278.81	3,360.78	3,444.79	3,530.91	3,61[illegible]
1816	3,044.70	3,120.82	3,198.84	3,278.81	3,360.78	3,444.79	3,530.91	3,619.18	3,70[illegible]
1817	3,120.82	3,198.84	3,278.81	3,360.78	3,444.79	3,530.91	3,619.18	3,709.66	3,802.41
1818	3,198.84	3,278.81	3,360.78	3,444.79	3,530.91	3,619.18	3,709.66	3,802.41	3,897.47
1819	3,278.81	3,360.78	3,444.79	3,530.91	3,619.18	3,709.66	3,802.41	3,897.47	3,994.91
1820	3,360.78	3,444.79	3,530.91	3,619.18	3,709.66	3,802.41	3,897.47	3,994.91	4,094.78
1821	3,444.79	3,530.91	3,619.18	3,709.66	3,802.41	3,897.47	3,994.91	4,094.78	4,197.15
1822	3,530.91	3,619.18	3,709.66	3,802.41	3,897.47	3,994.91	4,094.78	4,197.15	4,302.08
1823	3,619.18	3,709.66	3,802.41	3,897.47	3,994.91	4,094.78	4,197.15	4,302.08	4,409.63
1824	3,709.66	3,802.41	3,897.47	3,994.91	4,094.78	4,197.15	4,302.08	4,409.63	4,519.87
MONTHLY									
1812	5,999.39	6,149.38	6,303.11	6,460.69	6,622.22	6,787.78	6,957.48	7,131.41	7,309.70
1813	6,149.38	6,303.11	6,460.69	6,622.22	6,787.78	6,957.48	7,131.41	7,309.70	7,492.42
1814	6,303.11	6,460.69	6,622.22	6,787.78	6,957.48	7,131.41	7,309.70	7,492.42	7,679.73
1815	6,460.69	6,622.22	6,787.78	6,957.48	7,131.41	7,309.70	7,492.42	7,679.73	7,871.72
1816	6,622.22	6,787.78	6,957.48	7,131.41	7,309.70	7,492.42	7,679.73	7,871.72	8,068.51
1817	6,787.78	6,957.48	7,131.41	7,309.70	7,492.42	7,679.73	7,871.72	8,068.51	8,270.24
1818	6,957.48	7,131.41	7,309.70	7,492.42	7,679.73	7,871.72	8,068.51	8,270.24	8,477.00
1819	7,131.41	7,309.70	7,492.42	7,679.73	7,871.72	8,068.51	8,270.24	8,477.00	8,688.93
1820	7,309.70	7,492.42	7,679.73	7,871.72	8,068.51	8,270.24	8,477.00	8,688.93	8,906.15
1821	7,492.42	7,679.73	7,871.72	8,068.51	8,270.24	8,477.00	8,688.93	8,906.15	9,128.80
1822	7,679.73	7,871.72	8,068.51	8,270.24	8,477.00	8,688.93	8,906.15	9,128.80	9,3[illegible]2
1823	7,871.72	8,068.51	8,270.24	8,477.00	8,688.93	8,906.15	9,128.80	9,357.02	9,5[illegible]5
1824	8,068.51	8,270.24	8,477.00	8,688.93	8,906.15	9,128.80	9,357.02	9,590.95	9,8[illegible]2

EXHIBIT "E"

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 02-03

Effective June 18, 2002

SCHEDULE - X

FIRE MANAGEMENT - 80 HRS

BATTALION CHIEF

Range	1	2	3	4	5	6	7	8	9
HOURLY									
1825	47.5301	48.7184	49.9364	51.1848	52.4644	53.7760	55.1204	56.4984	57.9109
1826	48.7184	49.9364	51.1848	52.4644	53.7760	55.1204	56.4984	57.9109	59.3587
1827	49.9364	51.1848	52.4644	53.7760	55.1204	56.4984	57.9109	59.3587	60.8427
1828	51.1848	52.4644	53.7760	55.1204	56.4984	57.9109	59.3587	60.8427	62.3638
BI-WEEKLY									
1825	3,802.41	3,897.47	3,994.91	4,094.78	4,197.15	4,302.08	4,409.63	4,519.87	4,632.87
1826	3,897.47	3,994.91	4,094.78	4,197.15	4,302.08	4,409.63	4,519.87	4,632.87	4,748.70
1827	3,994.91	4,094.78	4,197.15	4,302.08	4,409.63	4,519.87	4,632.87	4,748.70	4,867.42
1828	4,094.78	4,197.15	4,302.08	4,409.63	4,519.87	4,632.87	4,748.70	4,867.42	4,989.10
MONTHLY									
1825	8,270.24	8,477.00	8,688.93	8,906.15	9,128.80	9,357.02	9,590.95	9,830.72	10,076.49
1826	8,477.00	8,688.93	8,906.15	9,128.80	9,357.02	9,590.95	9,830.72	10,076.49	10,328.42
1827	8,688.93	8,906.15	9,128.80	9,357.02	9,590.95	9,830.72	10,076.49	10,328.42	10,586.64
1828	8,906.15	9,128.80	9,357.02	9,590.95	9,830.72	10,076.49	10,328.42	10,586.64	10,851.29

EXHIBIT "E"

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 02-03

Effective June 18, 2002

SCHEDULE - Y

FIRE MANAGEMENT - 112 HRS

BATTALION CHIEF 5.00%

Range	1	2	3	4	5	6	7	8	9
HOURLY									
812	24.6283	25.2440	25.8751	26.5220	27.1851	27.8647	28.5613	29.2753	30.0072
813	25.2440	25.8751	26.5220	27.1851	27.8647	28.5613	29.2753	30.0072	30.7574
814	25.8751	26.5220	27.1851	27.8647	28.5613	29.2753	30.0072	30.7574	31.5263
815	26.5220	27.1851	27.8647	28.5613	29.2753	30.0072	30.7574	31.5263	32.3145
816	27.1851	27.8647	28.5613	29.2753	30.0072	30.7574	31.5263	32.3145	33.1224
817	27.8647	28.5613	29.2753	30.0072	30.7574	31.5263	32.3145	33.1224	33.9505
818	28.5613	29.2753	30.0072	30.7574	31.5263	32.3145	33.1224	33.9505	34.7993
819	29.2753	30.0072	30.7574	31.5263	32.3145	33.1224	33.9505	34.7993	35.6693
820	30.0072	30.7574	31.5263	32.3145	33.1224	33.9505	34.7993	35.6693	36.5610
821	30.7574	31.5263	32.3145	33.1224	33.9505	34.7993	35.6693	36.5610	37.4750
822	31.5263	32.3145	33.1224	33.9505	34.7993	35.6693	36.5610	37.4750	38.4119
823	32.3145	33.1224	33.9505	34.7993	35.6693	36.5610	37.4750	38.4119	39.3722
824	33.1224	33.9505	34.7993	35.6693	36.5610	37.4750	38.4119	39.3722	40.3565
BI-WEEKLY									
812	2,758.37	2,827.33	2,898.01	2,970.46	3,044.73	3,120.85	3,198.87	3,278.83	3,360.81
813	2,827.33	2,898.01	2,970.46	3,044.73	3,120.85	3,198.87	3,278.83	3,360.81	3,444.83
814	2,898.01	2,970.46	3,044.73	3,120.85	3,198.87	3,278.83	3,360.81	3,444.83	3,530.95
815	2,970.46	3,044.73	3,120.85	3,198.87	3,278.83	3,360.81	3,444.83	3,530.95	3,619.22
816	3,044.73	3,120.85	3,198.87	3,278.83	3,360.81	3,444.83	3,530.95	3,619.22	3,709.71
817	3,120.85	3,198.87	3,278.83	3,360.81	3,444.83	3,530.95	3,619.22	3,709.71	3,802.46
818	3,198.87	3,278.83	3,360.81	3,444.83	3,530.95	3,619.22	3,709.71	3,802.46	3,897.52
819	3,278.83	3,360.81	3,444.83	3,530.95	3,619.22	3,709.71	3,802.46	3,897.52	3,994.96
820	3,360.81	3,444.83	3,530.95	3,619.22	3,709.71	3,802.46	3,897.52	3,994.96	4,094.83
821	3,444.83	3,530.95	3,619.22	3,709.71	3,802.46	3,897.52	3,994.96	4,094.83	4,197.20
822	3,530.95	3,619.22	3,709.71	3,802.46	3,897.52	3,994.96	4,094.83	4,197.20	4,302.13
823	3,619.22	3,709.71	3,802.46	3,897.52	3,994.96	4,094.83	4,197.20	4,302.13	4,409.69
824	3,709.71	3,802.46	3,897.52	3,994.96	4,094.83	4,197.20	4,302.13	4,409.69	4,519.93
MONTHLY									
812	5,999.45	6,149.44	6,303.17	6,460.75	6,622.29	6,787.85	6,957.54	7,131.46	7,309.76
813	6,149.44	6,303.17	6,460.75	6,622.29	6,787.85	6,957.54	7,131.46	7,309.76	7,492.51
814	6,303.17	6,460.75	6,622.29	6,787.85	6,957.54	7,131.46	7,309.76	7,492.51	7,679.82
815	6,460.75	6,622.29	6,787.85	6,957.54	7,131.46	7,309.76	7,492.51	7,679.82	7,871.80
816	6,622.29	6,787.85	6,957.54	7,131.46	7,309.76	7,492.51	7,679.82	7,871.80	8,068.62
817	6,787.85	6,957.54	7,131.46	7,309.76	7,492.51	7,679.82	7,871.80	8,068.62	8,270.35
818	6,957.54	7,131.46	7,309.76	7,492.51	7,679.82	7,871.80	8,068.62	8,270.35	8,477.11
819	7,131.46	7,309.76	7,492.51	7,679.82	7,871.80	8,068.62	8,270.35	8,477.11	8,689.04
820	7,309.76	7,492.51	7,679.82	7,871.80	8,068.62	8,270.35	8,477.11	8,689.04	8,906.26
821	7,492.51	7,679.82	7,871.80	8,068.62	8,270.35	8,477.11	8,689.04	8,906.26	9,128.91
822	7,679.82	7,871.80	8,068.62	8,270.35	8,477.11	8,689.04	8,906.26	9,128.91	9,357.13
823	7,871.80	8,068.62	8,270.35	8,477.11	8,689.04	8,906.26	9,128.91	9,357.13	9,591.08
824	8,068.62	8,270.35	8,477.11	8,689.04	8,906.26	9,128.91	9,357.13	9,591.08	9,830.85

EXHIBIT "F"

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 02-03

Effective June 18, 2002

SCHEDULE - Y

FIRE MANAGEMENT - 112 HRS

BATTALION CHIEF

Range	1	2	3	4	5	6	7	8	9
HOURLY									
825	33.9505	34.7993	35.6693	36.5610	37.4750	38.4119	39.3722	40.3565	41.3654
826	34.7993	35.6693	36.5610	37.4750	38.4119	39.3722	40.3565	41.3654	42.3995
827	35.6693	36.5610	37.4750	38.4119	39.3722	40.3565	41.3654	42.3995	43.4595
828	36.5610	37.4750	38.4119	39.3722	40.3565	41.3654	42.3995	43.4595	44.5460
BI-WEEKLY									
825	3,802.46	3,897.52	3,994.96	4,094.83	4,197.20	4,302.13	4,409.69	4,519.93	4,632.92
826	3,897.52	3,994.96	4,094.83	4,197.20	4,302.13	4,409.69	4,519.93	4,632.92	4,748.74
827	3,994.96	4,094.83	4,197.20	4,302.13	4,409.69	4,519.93	4,632.92	4,748.74	4,867.46
828	4,094.83	4,197.20	4,302.13	4,409.69	4,519.93	4,632.92	4,748.74	4,867.46	4,989.15
MONTHLY									
825	8,270.35	8,477.11	8,689.04	8,906.26	9,128.91	9,357.13	9,591.08	9,830.85	10,076.60
826	8,477.11	8,689.04	8,906.26	9,128.91	9,357.13	9,591.08	9,830.85	10,076.60	10,328.51
827	8,689.04	8,906.26	9,128.91	9,357.13	9,591.08	9,830.85	10,076.60	10,328.51	10,586.73
828	8,906.26	9,128.91	9,357.13	9,591.08	9,830.85	10,076.60	10,328.51	10,586.73	10,851.40

EXHIBIT "F"

CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES (Unrepresented)

Effective **June 18, 2002**

RANGE	TITLE
1612	
1613	
1614	
1615	
1616	
1617	
1618	
1619	
1620	
1621	
1622	**Police Captain**

EXHIBIT "G"

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 02-03
EFFECTIVE June 18, 2002

SCHEDULE - G
MANAGEMENT/CONFIDENTIAL -POLICE - UNREPRESENTED

HOURLY 4.00%

Range	1	2	3	4	5	6	7	8	9
1601	22.9572	23.5311	24.1194	24.7224	25.3405	25.9740	26.6234	27.2890	27.9712
1602	23.5311	24.1194	24.7224	25.3405	25.9740	26.6234	27.2890	27.9712	28.6705
1603	24.1194	24.7224	25.3405	25.9740	26.6234	27.2890	27.9712	28.6705	29.3873
1604	24.7224	25.3405	25.9740	26.6234	27.2890	27.9712	28.6705	29.3873	30.1220
1605	25.3405	25.9740	26.6234	27.2890	27.9712	28.6705	29.3873	30.1220	30.8751
1606	25.9740	26.6234	27.2890	27.9712	28.6705	29.3873	30.1220	30.8751	31.6470
1607	26.6234	27.2890	27.9712	28.6705	29.3873	30.1220	30.8751	31.6470	32.4382
1608	27.2890	27.9712	28.6705	29.3873	30.1220	30.8751	31.6470	32.4382	33.2492
1609	27.9712	28.6705	29.3873	30.1220	30.8751	31.6470	32.4382	33.2492	34.0804
1610	28.6705	29.3873	30.1220	30.8751	31.6470	32.4382	33.2492	34.0804	34.9324
1611	29.3873	30.1220	30.8751	31.6470	32.4382	33.2492	34.0804	34.9324	35.8057
1612	30.1220	30.8751	31.6470	32.4382	33.2492	34.0804	34.9324	35.8057	36.7008
1613	30.8751	31.6470	32.4382	33.2492	34.0804	34.9324	35.8057	36.7008	37.6183
1614	31.6470	32.4382	33.2492	34.0804	34.9324	35.8057	36.7008	37.6183	38.5588
BY-WEEKLY									
1601	1,836.58	1,882.49	1,929.55	1,977.79	2,027.24	2,077.92	2,129.87	2,183.12	2,237.70
1602	1,882.49	1,929.55	1,977.79	2,027.24	2,077.92	2,129.87	2,183.12	2,237.70	2,293.64
1603	1,929.55	1,977.79	2,027.24	2,077.92	2,129.87	2,183.12	2,237.70	2,293.64	2,350.98
1604	1,977.79	2,027.24	2,077.92	2,129.87	2,183.12	2,237.70	2,293.64	2,350.98	2,409.76
1605	2,027.24	2,077.92	2,129.87	2,183.12	2,237.70	2,293.64	2,350.98	2,409.76	2,470.01
1606	2,077.92	2,129.87	2,183.12	2,237.70	2,293.64	2,350.98	2,409.76	2,470.01	2,531.76
1607	2,129.87	2,183.12	2,237.70	2,293.64	2,350.98	2,409.76	2,470.01	2,531.76	2,595.06
1608	2,183.12	2,237.70	2,293.64	2,350.98	2,409.76	2,470.01	2,531.76	2,595.06	2,659.94
1609	2,237.70	2,293.64	2,350.98	2,409.76	2,470.01	2,531.76	2,595.06	2,659.94	2,726.43
1610	2,293.64	2,350.98	2,409.76	2,470.01	2,531.76	2,595.06	2,659.94	2,726.43	2,794.59
1611	2,350.98	2,409.76	2,470.01	2,531.76	2,595.06	2,659.94	2,726.43	2,794.59	2,864.46
1612	2,409.76	2,470.01	2,531.76	2,595.06	2,659.94	2,726.43	2,794.59	2,864.46	2,936.06
1613	2,470.01	2,531.76	2,595.06	2,659.94	2,726.43	2,794.59	2,864.46	2,936.06	3,009.46
1614	2,531.76	2,595.06	2,659.94	2,726.43	2,794.59	2,864.46	2,936.06	3,009.46	3,084.70
MONTHLY									
1601	3,994.56	4,094.42	4,196.77	4,301.69	4,409.25	4,519.48	4,632.47	4,748.29	4,867.00
1602	4,094.42	4,196.77	4,301.69	4,409.25	4,519.48	4,632.47	4,748.29	4,867.00	4,988.67
1603	4,196.77	4,301.69	4,409.25	4,519.48	4,632.47	4,748.29	4,867.00	4,988.67	5,113.38
1604	4,301.69	4,409.25	4,519.48	4,632.47	4,748.29	4,867.00	4,988.67	5,113.38	5,241.23
1605	4,409.25	4,519.48	4,632.47	4,748.29	4,867.00	4,988.67	5,113.38	5,241.23	5,372.27
1606	4,519.48	4,632.47	4,748.29	4,867.00	4,988.67	5,113.38	5,241.23	5,372.27	5,506.58
1607	4,632.47	4,748.29	4,867.00	4,988.67	5,113.38	5,241.23	5,372.27	5,506.58	5,644.26
1608	4,748.29	4,867.00	4,988.67	5,113.38	5,241.23	5,372.27	5,506.58	5,644.26	5,785.37
1609	4,867.00	4,988.67	5,113.38	5,241.23	5,372.27	5,506.58	5,644.26	5,785.37	5,929.99
1610	4,988.67	5,113.38	5,241.23	5,372.27	5,506.58	5,644.26	5,785.37	5,929.99	6,078.23
1611	5,113.38	5,241.23	5,372.27	5,506.58	5,644.26	5,785.37	5,929.99	6,078.23	6,230.20
1612	5,241.23	5,372.27	5,506.58	5,644.26	5,785.37	5,929.99	6,078.23	6,230.20	6,385.93
1613	5,372.27	5,506.58	5,644.26	5,785.37	5,929.99	6,078.23	6,230.20	6,385.93	6,545.58
1614	5,506.58	5,644.26	5,785.37	5,929.99	6,078.23	6,230.20	6,385.93	6,545.58	6,709.22

EXHIBIT "H"

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 02-03
EFFECTIVE June 18, 2002

SCHEDULE - G
MANAGEMENT/CONFIDENTIAL -POLICE - UNREPRESENTED

HOURLY

Range	1	2	3	4	5	6	7	8	9
1615	32.4382	33.2492	34.0804	34.9324	35.8057	36.7008	37.6183	38.5588	39.5228
1616	33.2492	34.0804	34.9324	35.8057	36.7008	37.6183	38.5588	39.5228	40.5109
1617	34.0804	34.9324	35.8057	36.7008	37.6183	38.5588	39.5228	40.5109	41.5237
1618	34.9324	35.8057	36.7008	37.6183	38.5588	39.5228	40.5109	41.5237	42.5618
1619	35.8057	36.7008	37.6183	38.5588	39.5228	40.5109	41.5237	42.5618	43.6258
1620	36.7008	37.6183	38.5588	39.5228	40.5109	41.5237	42.5618	43.6258	44.7164
1621	37.6183	38.5588	39.5228	40.5109	41.5237	42.5618	43.6258	44.7164	45.8343
1622	38.5588	39.5228	40.5109	41.5237	42.5618	43.6258	44.7164	45.8343	46.9802
1623	39.5228	40.5109	41.5237	42.5618	43.6258	44.7164	45.8343	46.9802	48.1547
1624	40.5109	41.5237	42.5618	43.6258	44.7164	45.8343	46.9802	48.1547	49.3586
1625	41.5237	42.5618	43.6258	44.7164	45.8343	46.9802	48.1547	49.3586	50.5926
1626	42.5618	43.6258	44.7164	45.8343	46.9802	48.1547	49.3586	50.5926	51.8574
1627	43.6258	44.7164	45.8343	46.9802	48.1547	49.3586	50.5926	51.8574	53.1538
1628	44.7164	45.8343	46.9802	48.1547	49.3586	50.5926	51.8574	53.1538	54.4826
BY-WEEKLY									
1615	2,595.06	2,659.94	2,726.43	2,794.59	2,864.46	2,936.06	3,009.46	3,084.70	3,161.82
1616	2,659.94	2,726.43	2,794.59	2,864.46	2,936.06	3,009.46	3,084.70	3,161.82	3,240.87
1617	2,726.43	2,794.59	2,864.46	2,936.06	3,009.46	3,084.70	3,161.82	3,240.87	3,321.90
1618	2,794.59	2,864.46	2,936.06	3,009.46	3,084.70	3,161.82	3,240.87	3,321.90	3,404.94
1619	2,864.46	2,936.06	3,009.46	3,084.70	3,161.82	3,240.87	3,321.90	3,404.94	3,490.06
1620	2,936.06	3,009.46	3,084.70	3,161.82	3,240.87	3,321.90	3,404.94	3,490.06	3,577.31
1621	3,009.46	3,084.70	3,161.82	3,240.87	3,321.90	3,404.94	3,490.06	3,577.31	3,666.74
1622	3,084.70	3,161.82	3,240.87	3,321.90	3,404.94	3,490.06	3,577.31	3,666.74	3,758.42
1623	3,161.82	3,240.87	3,321.90	3,404.94	3,490.06	3,577.31	3,666.74	3,758.42	3,852.38
1624	3,240.87	3,321.90	3,404.94	3,490.06	3,577.31	3,666.74	3,758.42	3,852.38	3,948.69
1625	3,321.90	3,404.94	3,490.06	3,577.31	3,666.74	3,758.42	3,852.38	3,948.69	4,047.41
1626	3,404.94	3,490.06	3,577.31	3,666.74	3,758.42	3,852.38	3,948.69	4,047.41	4,148.59
1627	3,490.06	3,577.31	3,666.74	3,758.42	3,852.38	3,948.69	4,047.41	4,148.59	4,252.30
1628	3,577.31	3,666.74	3,758.42	3,852.38	3,948.69	4,047.41	4,148.59	4,252.30	4,358.61
MONTHLY									
1615	5,644.26	5,785.37	5,929.99	6,078.23	6,230.20	6,385.93	6,545.58	6,709.22	6,876.96
1616	5,785.37	5,929.99	6,078.23	6,230.20	6,385.93	6,545.58	6,709.22	6,876.96	7,048.89
1617	5,929.99	6,078.23	6,230.20	6,385.93	6,545.58	6,709.22	6,876.96	7,048.89	7,225.13
1618	6,078.23	6,230.20	6,385.93	6,545.58	6,709.22	6,876.96	7,048.89	7,225.13	7,405.74
1619	6,230.20	6,385.93	6,545.58	6,709.22	6,876.96	7,048.89	7,225.13	7,405.74	7,590.88
1620	6,385.93	6,545.58	6,709.22	6,876.96	7,048.89	7,225.13	7,405.74	7,590.88	7,780.65
1621	6,545.58	6,709.22	6,876.96	7,048.89	7,225.13	7,405.74	7,590.88	7,780.65	7,975.16
1622	6,709.22	6,876.96	7,048.89	7,225.13	7,405.74	7,590.88	7,780.65	7,975.16	8,174.56
1623	6,876.96	7,048.89	7,225.13	7,405.74	7,590.88	7,780.65	7,975.16	8,174.56	8,378.93
1624	7,048.89	7,225.13	7,405.74	7,590.88	7,780.65	7,975.16	8,174.56	8,378.93	8,588.40
1625	7,225.13	7,405.74	7,590.88	7,780.65	7,975.16	8,174.56	8,378.93	8,588.40	8,803.12
1626	7,405.74	7,590.88	7,780.65	7,975.16	8,174.56	8,378.93	8,588.40	8,803.12	9,023.18
1627	7,590.88	7,780.65	7,975.16	8,174.56	8,378.93	8,588.40	8,803.12	9,023.18	9,248.75
1628	7,780.65	7,975.16	8,174.56	8,378.93	8,588.40	8,803.12	9,023.18	9,248.75	9,479.98

EXHIBIT "H"

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 02-03
EFFECTIVE June 18, 2002

SCHEDULE - G
MANAGEMENT/CONFIDENTIAL -POLICE - UNREPRESENTED

HOURLY 4.00%

Range	1	2	3	4	5	6	7	8	9
1629	45.8343	46.9802	48.1547	49.3586	50.5926	51.8574	53.1538	54.4826	55.8447
1630	46.9802	48.1547	49.3586	50.5926	51.8574	53.1538	54.4826	55.8447	57.2408
1631	48.1547	49.3586	50.5926	51.8574	53.1538	54.4826	55.8447	57.2408	58.6718
1632	49.3586	50.5926	51.8574	53.1538	54.4826	55.8447	57.2408	58.6718	60.1386
1633	50.5926	51.8574	53.1538	54.4826	55.8447	57.2408	58.6718	60.1386	61.6421
1634	51.8574	53.1538	54.4826	55.8447	57.2408	58.6718	60.1386	61.6421	63.1832
1635	53.1538	54.4826	55.8447	57.2408	58.6718	60.1386	61.6421	63.1832	64.7628
1636	54.4826	55.8447	57.2408	58.6718	60.1386	61.6421	63.1832	64.7628	66.3819
1637	55.8447	57.2408	58.6718	60.1386	61.6421	63.1832	64.7628	66.3819	68.0414
1638	57.2408	58.6718	60.1386	61.6421	63.1832	64.7628	66.3819	68.0414	69.7424
1639	58.6718	60.1386	61.6421	63.1832	64.7628	66.3819	68.0414	69.7424	71.4860
1640	60.1386	61.6421	63.1832	64.7628	66.3819	68.0414	69.7424	71.4860	73.2732

BY-WEEKLY

1629	3,666.74	3,758.42	3,852.38	3,948.69	4,047.41	4,148.59	4,252.30	4,358.61	4,467.58
1630	3,758.42	3,852.38	3,948.69	4,047.41	4,148.59	4,252.30	4,358.61	4,467.58	4,579.26
1631	3,852.38	3,948.69	4,047.41	4,148.59	4,252.30	4,358.61	4,467.58	4,579.26	4,693.74
1632	3,948.69	4,047.41	4,148.59	4,252.30	4,358.61	4,467.58	4,579.26	4,693.74	4,811.09
1633	4,047.41	4,148.59	4,252.30	4,358.61	4,467.58	4,579.26	4,693.74	4,811.09	4,931.37
1634	4,148.59	4,252.30	4,358.61	4,467.58	4,579.26	4,693.74	4,811.09	4,931.37	5,054.66
1635	4,252.30	4,358.61	4,467.58	4,579.26	4,693.74	4,811.09	4,931.37	5,054.66	5,181.02
1636	4,358.61	4,467.58	4,579.26	4,693.74	4,811.09	4,931.37	5,054.66	5,181.02	5,310.55
1637	4,467.58	4,579.26	4,693.74	4,811.09	4,931.37	5,054.66	5,181.02	5,310.55	5,443.31
1638	4,579.26	4,693.74	4,811.09	4,931.37	5,054.66	5,181.02	5,310.55	5,443.31	5,579.39
1639	4,693.74	4,811.09	4,931.37	5,054.66	5,181.02	5,310.55	5,443.31	5,579.39	5,718.88
1640	4,811.09	4,931.37	5,054.66	5,181.02	5,310.55	5,443.31	5,579.39	5,718.88	5,861.86

MONTHLY

1629	7,975.16	8,174.56	8,378.93	8,588.40	8,803.12	9,023.18	9,248.75	9,479.98	9,716.99
1630	8,174.56	8,378.93	8,588.40	8,803.12	9,023.18	9,248.75	9,479.98	9,716.99	9,959.89
1631	8,378.93	8,588.40	8,803.12	9,023.18	9,248.75	9,479.98	9,716.99	9,959.89	10,208.88
1632	8,588.40	8,803.12	9,023.18	9,248.75	9,479.98	9,716.99	9,959.89	10,208.88	10,464.12
1633	8,803.12	9,023.18	9,248.75	9,479.98	9,716.99	9,959.89	10,208.88	10,464.12	10,725.73
1634	9,023.18	9,248.75	9,479.98	9,716.99	9,959.89	10,208.88	10,464.12	10,725.73	10,993.89
1635	9,248.75	9,479.98	9,716.99	9,959.89	10,208.88	10,464.12	10,725.73	10,993.89	11,268.72
1636	9,479.98	9,716.99	9,959.89	10,208.88	10,464.12	10,725.73	10,993.89	11,268.72	11,550.45
1637	9,716.99	9,959.89	10,208.88	10,464.12	10,725.73	10,993.89	11,268.72	11,550.45	11,839.20
1638	9,959.89	10,208.88	10,464.12	10,725.73	10,993.89	11,268.72	11,550.45	11,839.20	12,135.17
1639	10,208.88	10,464.12	10,725.73	10,993.89	11,268.72	11,550.45	11,839.20	12,135.17	12,438.56
1640	10,464.12	10,725.73	10,993.89	11,268.72	11,550.45	11,839.20	12,135.17	12,438.56	12,749.55

EXHIBIT "H"

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective **June 18, 2002**

RANGE	TITLE
1410	City Clerk/Auditor
1411 – 1417	
1418	
1419	
1420	Finance Director Operations and Maintenance Director Personnel Director Recreation and Neighborhoods Director
1421	
1422	Chief Information Officer Community Development Director
1423	Engineering and Transportation Director
1424	
1425	Fire Chief Police Chief
1426	
1427	Deputy City Manager
1428	City Attorney
1429 – 1432	
1433	City Manager

EXHIBIT "I"

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 02-03
EFFECTIVE June 18, 2002

Executive Management

4.00%

	HOURLY			Bi-weekly			Monthly	
1405	30.3996	37.9995		2,431.97	3,039.96		5,289.53	6,611.91
1406	31.1596	38.9495		2,492.77	3,115.96		5,421.77	6,777.21
1407	31.9386	39.9233		2,555.09	3,193.86		5,557.32	6,946.65
1408	32.7371	40.9214		2,618.97	3,273.71		5,696.26	7,120.32
1409	33.5555	41.9444		2,684.44	3,355.55		5,838.66	7,298.32
1410	34.3944	42.9930		2,751.55	3,439.44		5,984.62	7,480.78
1411	35.2543	44.0679		2,820.34	3,525.43		6,134.24	7,667.81
1412	36.1357	45.1696		2,890.86	3,613.57		6,287.62	7,859.51
1413	37.0391	46.2989		2,963.13	3,703.91		6,444.81	8,056.00
1414	37.9651	47.4564		3,037.21	3,796.51		6,605.93	8,257.41
1415	38.9142	48.6428		3,113.14	3,891.42		6,771.08	8,463.84
1416	39.8871	49.8589		3,190.97	3,988.71		6,940.36	8,675.44
1417	40.8843	51.1054		3,270.74	4,088.43		7,113.86	8,892.34
1418	41.9064	52.3830		3,352.51	4,190.64		7,291.71	9,114.64
1419	42.9541	53.6926		3,436.33	4,295.41		7,474.02	9,342.52
1420	44.0280	55.0350		3,522.24	4,402.80		7,660.87	9,576.09
1421	45.1287	56.4109		3,610.30	4,512.87		7,852.40	9,815.49
1422	46.2569	57.8211		3,700.55	4,625.69		8,048.70	10,060.88
1423	47.4133	59.2666		3,793.06	4,741.33		8,249.91	10,312.39
1424	48.5986	60.7483		3,887.89	4,859.86		8,456.16	10,570.20
1425	49.8136	62.2670		3,985.09	4,981.36		8,667.57	10,834.46
1426	51.0589	63.8236		4,084.71	5,105.89		8,884.24	11,105.31
1427	52.3354	65.4193		4,186.83	5,233.54		9,106.36	11,382.95
1428	53.6438	67.0548		4,291.50	5,364.38		9,334.01	11,667.53
1429	54.9849	68.7311		4,398.79	5,498.49		9,567.37	11,959.22
1430	56.3595	70.4494		4,508.76	5,635.95		9,806.55	12,258.19
1431	57.7685	72.2106		4,621.48	5,776.85		10,051.72	12,564.65
1432	59.2127	74.0159		4,737.02	5,921.27		10,303.02	12,878.76
1433	60.6930	75.8663		4,855.44	6,069.30		10,560.58	13,200.73
1434	62.2103	77.7629		4,976.82	6,221.03		10,824.58	13,530.74
1435	63.7656	79.7070		5,101.25	6,376.56		11,095.22	13,869.02

EXHIBIT "J"

Call-Duty and Call-Back for Confidential Employees

ARTICLE A. CALL-DUTY PAY

Employees who are released from active duty but are required by the department to leave notice where they can be reached and be available to return to active duty when required by the department, shall be assigned to call-duty. While on call-duty (sometimes referred to as on-call), an employee shall be free to use the time for his or her own purposes.

Call-duty requires that employees so assigned shall: (1) leave a telephone number where they can be reached or wear a communicating device; and (2) be able to respond to duty within a reasonable period of time, not to exceed thirty (30) minutes. Call-duty time shall not count as hours worked.

Assigned personnel shall receive call-duty pay in the amount of two (2) hours pay on their regularly scheduled workday and four (4) hours pay on the employee's regularly scheduled days off and fixed City holidays.

ARTICLE B. CALL BACK

(a) When an employee returns to active duty at the request of the Department Director after said employee has been released from active duty said employee shall be entitled to call-back compensation.

(b) The following incidents are not considered call-back and are compensated on a time and one-half basis:

(1) Planned overtime for which the employee has received a minimum of twenty-four (24) hours advance notice;

(2) Overtime associated with assigned Call-Duty as described in Article A, above;

(3) Overtime which occurs as an extension of an employee's regular workday;

(4) When an employee begins work at the request of the Department within ninety (90) minutes prior to the scheduled start of their regular work shift.

(c) When on call-back, an employee receives the following compensation:

(1) Three (3) hours of straight time per call-back occurrence;

(2) In addition to the three (3) hours of straight time, an employee also receives time and one-half for actual time worked in excess of eighty (80) minutes.

Exhibit "K"

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-308

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "PEGGY MENSINGER BICYCLE PATH ALONG DRY CREEK" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Peggy Mensinger Bicycle Path Along Dry Creek, has been completed by George Reed, Inc., in accordance with the contract agreement dated July 10, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Peggy Mensinger Bicycle Path Along Dry Creek project be accepted from said contractor, George Reed, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $502,066.15 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-309

A RESOLUTION ACCEPTING THE PROJECT TITLED "2001 SLURRY SEALS PHASE II" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled 2001 Slurry Seals Phase II, has been completed by California Pavement Maintenance Company, Inc., in accordance with the contract agreement dated August 14, 2001.

NOW, THEREFORE, BE IT RESOLVED that the 2001 Slurry Seals Phase II project be accepted from said contractor, California Pavement Maintenance Company, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $631,735.25 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-310

A RESOLUTION ACCEPTING THE BID OF GRANITE CONSTRUCTION COMPANY FOR THE PROJECT TITLED "CO COMPOST ROAD IMPROVEMENTS"

WHEREAS, the bids received for the Co-Compost Road Improvements were opened at 11:00 a.m. on June 4, 2002, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $122,700.00 received from Granite Construction Company be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Granite Construction Company be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-311

Print

A RESOLUTION AUTHORIZING REMOVAL OF A MID-BLOCK CROSSWALK ON 11TH STREET BETWEEN H STREET AND I STREET IN THE CITY OF MODESTO.

WHEREAS, it is deemed desirable to remove mid-block crosswalks at certain locations in the City of Modesto due to a change in land use, and

WHEREAS, Section 21106(a) of the Vehicle Code of the State of California provides that local authorities, by ordinance or resolution, may establish crosswalks between intersections, and

WHEREAS, by letter dated May 13, 2002, Stanislaus County requested that the City remove the mid-block crosswalk on 11th Street between H Street and I Street as part of the Courthouse Access Ramp, and

WHEREAS, Stanislaus County also requested that with removal of the crosswalk that the City repaint the curbing in front of the entrance to the Courts on 11th Street from red to blue, and

WHEREAS, removal of the crosswalk will encourage pedestrians to use the signalized intersection to safely cross 11th Street, and will also improve parking access for physically challenged motorists, and

WHEREAS, it is anticipated that removal of the crosswalk will take place along with the proposed construction of the Performing Arts Center tentatively scheduled to begin in February 2003, when the entire block between H Street and I Street sill be fenced off, and

WHEREAS, staff is requesting early approval of the removal of the crosswalk in order to have sufficient time to process the necessary paperwork, and

WHEREAS, the Economic Development Committee met on June 10, 2002, and approved the removal of the subject crosswalk and recommended that this item be brought to the full Council for its consideration,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes removal of the mid-block crosswalk on 11th Street between H Street and I Street in the City of Modesto, and that the curbing in front of the entrance to the courts on 11th Street be repainted from red to blue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 312

Print

A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFICARE, KAISER PERMANENTE, AMERICAN SPECIALTY HEALTH PLANS (chiropractic coverage) AND PACIFICARE BEHAVIORAL HEALTH ; CONTINUING DENTAL AND VISION COVERAGE THROUGH THE CITY'S SELF-INSURED PROGRAM TO ENHANCE THE CITY'S VISION COVERAGE AND AUTHORIZING THE RISK MANAGER TO SERVE AS THE COORDINATOR FOR THE VARIOUS PLANS AND AUTHORIZE THE CITY MANAGER TO EXECUTE ALL NECESSARY AGREEMENTS

WHEREAS, the City of Modesto provides its employees with employee and dependent health insurance coverage, and

WHEREAS, the Employee Benefits Committee (EBC) has reviewed and evaluated coverage for Fiscal Year 2003, and

WHEREAS, the rates charged by health insurance carriers have increased from 13.37% for Kaiser to 27.33% for PacifiCare, and

WHEREAS, vision and dental rates are remaining the same, and

WHEREAS, mental health rates increased by 5%, and

WHEREAS, based upon the comparability of provider panels and the lower premiums offered by PacifiCare for exclusivity (20.83%), the EBC voted to offer only PacifiCare as an alternate to Kaiser, and

WHEREAS, both health plans agreed to continue offer Preferred Provider Option (PPO) to all employees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves execution of agreements with PacifiCare, Kaiser Permanente, American Specialty Health Plans, and PacifiCare Behavioral Health.

BE IT FURTHER RESOLVED that the Council hereby approves the continuation of dental and vision coverage through the City's self-insured program with enhancement of the City's vision coverage as recommended by the Employee Benefits Committee.

BE IT FURTHER RESOLVED that the Risk Manager is hereby authorized to serve as the coordinator for the various plans and authorize the City Manager to execute all necessary agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM
BY: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 -313

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT FOR FINANCIAL MANAGEMENT SERVICES WITH GREGORY BAIRD, GOVERNMENT CONSULTING SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT

WHEREAS, on April 2, 2002, the City of Modesto entered into a Agreement for Financial Management Services with Gregory Baird for interim management services, with a not-to-exceed amount of $100,000, and

WHEREAS, the City has determined a need for additional interim management services which will exceed the not-to-exceed amount of the original agreement, and

WHEREAS, the City has determined that the additional services will be needed after the expiration of the original agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Amendment to Agreement for Financial Management Services with Gregory Baird, Government Consulting Services, is hereby approved.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute said agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-314

A RESOLUTION APPOINTING BRUCE JONES, MIKE BIRCH, SUSAN AZEVEDO, ERIC DAMI, NEAL KHATRI, CINDY POWERS AND RALPH JUAREZ TO THE PUBLIC EVENTS COMMISSION.

WHEREAS, by motion at its April 23, 2002, meeting, the City Council authorized the establishment of a Public Events Commission, with each Councilmember and the Mayor to appoint one member to be approved by the full City Council, and

WHEREAS, Mayor Sabatino has nominated Bruce Jones, and

WHEREAS, Councilmember Frohman has nominated Mike Birch, and

WHEREAS, Councilmember O'Bryant has nominated Susan Azevedo, and

WHEREAS, Councilmember Conrad has nominated Eric Dami, and

WHEREAS, Councilmember Fisher has nominated Neal Khatri, and

WHEREAS, Councilmember Jackman has nominated Cindy Powers, and

WHEREAS, Councilmember Keating has nominated Ralph Juarez, and

WHEREAS, the Safety and Communities Committee met on June 3, 2002, and supported the proposed appointments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby appoints Bruce Jones, Mike Birch, Susan Azevedo, Eric Dami, Neal Khatri, Cindy Powers and Ralph Juarez to the Public Events Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2002, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-315

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6

WHEREAS, the City of Modesto has by Resolution No. 2002-195 adopted on April 23, 2002, declared its intent to levy charges or assessments for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6 under the provisions of the Landscaping and Lighting Act of 1972, and

WHEREAS, the cost for Fiscal Year 2002-2003 is $26.00 annual assessment per lot, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocated cost reports prepared by City Engineering, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996, and

WHEREAS, the City of Modesto has further determined the charges are in compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of $26.00 annual assessment per lot within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 for the 2002/03 fiscal year, and that a certified copy of this resolution shall be

delivered to the Auditor –Controller of the County of Stanislaus for placement of such charges on the 2002/03 County Tax Roll.

BE IT FURTHER RESOLVED that the diagram of said assessment district and amount of levy thereon is hereby confirmed,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)
APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-316

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 2

WHEREAS, the City of Modesto has by Resolution No. 2002-196, adopted on April 23, 2002, declared its intent to levy charges or assessments for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units No. 1 & 2, under the provisions of the Landscaping and Lighting Act of 1972, and

WHEREAS, the cost for Fiscal Year 2002-2003 is $96.83 per acre for commercial property and $19.06 for each residential property, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocation of cost reports prepared by City Engineering, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996, and

WHEREAS the City of Modesto has further determined that the charges are in compliance with all laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of $96.83 per acre for commercial property and $19.06 for each residential property within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood

Meadows Subdivision and Yosemite Meadows Subdivision Units 1& 2 for the 2002/03 fiscal year, and that a certified copy of this resolution shall be delivered to the Auditor – Controller of the County of Stanislaus for placement of such charges on the 2002/03 County Tax Roll.

BE IT FURTHER RESOLVED that the diagram of said assessment district and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)
APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-317

A RESOLUTION AMENDING THE TENTH STREET PLAZA USAGE POLICY FOR 10th STREET BETWEEN "J" AND "K" STREETS IN DOWNTOWN MODESTO ESTABLISHING FEES AND RESCINDING RESOLUTION NO. 2002-158.

WHEREAS, on April 2, 2002, the City Council adopted the Tenth Street Usage Policy for 10th Street between "J" and "K" Streets in downtown Modesto, and

WHEREAS, the Tenth Street Plaza Usage Policy was developed by the Tenth Street Place Management Committee in order to coordinate and manage Tenth Street Plaza, and

WHEREAS, the Tenth Street Plaza Usage Policy included a fee schedule for use of the downtown space, but Council requested that the fee schedule return to a Council Committee for further review, and

WHEREAS, the Safety and Communities Committee met on June 3, 2002, and supported the recommendation of City staff to include the proposed fees in the Tenth Street Plaza Usage Policy, and

WHEREAS, by an agenda report to the City Council from the Parks, Recreation and Neighborhoods Department dated June 10, 2002, City staff recommended the fees as outlined in the report, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on June 25, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed fees for the use of 10th Street between "J" and "K" Streets in downtown Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the Tenth Street Plaza Usage Policy for the use of 10th Street between "J" and "K" Streets in downtown Modesto establishing fees, a copy of which is attached hereto as **Exhibit "A",** and incorporated herein by reference.

BE IT FURTHER RESOLVED that Resolution No. 2002-158 is hereby rescinded effective June 30, 2002.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after July 1, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad, Mayor Sabatino

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

City of Modesto

TENTH STREET PLAZA USAGE POLICY

Effective: July 1, 2002

GENERAL INFORMATION

Any person or group requesting to use the Tenth Street Plaza to conduct public gathering events, excluding First Amendment activities which are exempt from this policy, must first have obtained all proper permits and licenses. The City of Modesto Parks, Recreation and Neighborhoods Department ("Governing Authority") will assist the Licensee in determining permits required. Licensee shall not conduct, within or upon the premises, any other operations except those described in the license unless prior written consent of the Governing Authority has been given. Licensee, its officers, agents, and employees shall comply with all rules and regulations, laws, and ordinances adopted or established, from time to time, by any governmental agent or department thereof.

1. *AREA LOCATION*

The Tenth Street Plaza shall be the space occupied by Tenth Street between J and K, as well as the patio area between the south side of the 1020 Tenth Street building and the glass front of Tenth Street Place. (See attached area map.)

2. *HOURS OF OPERATION*

Monday through Friday	9 a.m. to 11 p.m.
Saturday, Sunday, holidays	7 a.m. to 11 p.m.

Load-in times to be determined based upon considerations of employee and consumer ingress/egress into buildings.

Amplified music will be allowed:

Monday through Friday	8 p.m. to 11 p.m.
Saturday, Sunday, holidays	Until 11 p.m.

Start times of amplified music on weekdays prior to 8 p.m. will be for special pre-approved events only (e.g., Brownbag lunch series). The start times of amplified music on weekends would be dependent on the type of the event. Extensions beyond 11 p.m. would require special approval by Council (e.g., Exclamation Fest).

3. *EXPIRATION OF LICENSE*

Licensee shall remove from the facilities all property, goods, and effects belonging to Licensee or caused by him to be brought upon the premises. If property is not removed within the time limits stated in the license, City shall have the right to dispose of, sell, store, or cause to be stored any property, for which Licensee shall pay a penalty fee, plus all storage and moving expenses incurred therefor, prior to release of the property from storage.

At the expiration of the time of use of the facilities set forth, Licensee shall quit the facilities and return all Licensee's equipment and facilities procured, which premises, equipment, and facilities shall be in as good condition and repair as before Licensee's use thereof except for ordinary wear and tear.

4. *EXAMPLES OF TYPES OF EVENTS ALLOWED*

Street faire, street festival, farmers market, trade show (limited), displays, musical events (non-amplified), and amplified music events.

5. *AMPLIFIED MUSIC EVENTS*

There will be a sound amplification permit required. Sound amplifying equipment as used here means any machine or device used to amplify or project speech, music, or any other sound or tone. Sound amplifying equipment includes public address systems, megaphones, bullhorns, phonographs, televisions, radios, cassettes, eight-track or reel-to-reel tape players, compact disc or laser players, and musical instruments.

The sound generated shall be controlled so that its volume level, duration, or character does not annoy, disturb, injure, or endanger the comfort of reasonable persons of ordinary sensibility within the City.

6. *FEES/PERMITS*

a. The rental charge for the use of the space shall be $150 per day for non-commercial uses. Rates for commercial uses shall be $150 or 10% of gross sales.

b. Nonprofit rate shall be $100 per day. Proof of nonprofit status must be shown. Tenants of Tenth Street Plaza will also be charged $100 per day rental.

c. These rates may be adjusted periodically to reflect the budgeting goals of managing the Tenth Street Plaza.

d. Other permits may be required, such as: liquor, business license, amplified sound, street closure, encroachment. There are additional costs for these permits.

e. No event that is permitted by the First Amendment of the United States Constitution shall be charged a fee or be required to get a permit from the City.

f. Any agency of the City of Modesto or County of Stanislaus will be able to use the space free of charge. Additional fees may apply.

7. *INSURANCE*

Indemnity and liability insurance as required by the Risk Manager for the City of Modesto. In most cases the limits of policy will be $1,000,000.

City of Modesto, County of Stanislaus, JPA, Civic Partners of Modesto, Inc., Redevelopment Agency, and 1020 10th L.L.C. must be named as additional insured on the policy.

8. *SCHEDULING/COORDINATION*

The City of Modesto Parks, Recreation and Neighborhoods Department (Centre Plaza) shall be responsible for scheduling/coordinating the use of the Tenth Street Plaza.

9. *PAYMENT FOR DAMAGES*

Licensee agrees to pay costs of repair or replacement for any and all damages of whatever origin or nature to property of City of Modesto, County of Stanislaus, JPA, Redevelopment Agency, or any adjoining private property resulting from Lessee's exercise of its license, whether deliberate, accidental, or other causes not predicated on active negligence of City.

10. *EVENT INFORMATION*

Licensee shall provide to Events Supervisor, at least 10 days prior to the first day of scheduled event, a full and detailed outline of all event requirements.

11. *SECURITY*

Licensee shall engage and pay for adequate security personnel, to be appropriate for the intended facility use. Number of security personnel utilized to be determined by mutual agreement of Licensee and licensor and the City of Modesto Police Department.

Licensee shall be solely responsible for the orderly conduct of all persons using the premises by its invitation, either expressed or implied, during all times covered by this license. Governing Authority reserves the right to eject or cause to be ejected from the premises any person or persons objectionable due to unlawful conduct.

All private security must be bonded and licensed by the State of California.

12. *CLEANUP*

It is the responsibility of Licensees to clean, or cause to be cleaned, the Plaza and street area after the event is over and prior to the opening of business the next day. This cleanup may include the sidewalks and storefronts. There will be a refundable cleanup deposit of $250.

13. *BOOKING*

* All scheduling and booking shall be done through the Centre Plaza.

* Dates at Tenth Street Plaza may be booked a maximum of 13 months prior to the requested date.

* Thirty (30) days in advance of the event, regularly scheduled events can be booked. Up to 4 dates can be booked for the month that begins the allowable period (e.g., someone calling on July 1 could book 4 events from August 1-31 of that same year). Two weeks prior to a requested event date, two additional dates can be booked by the same user, for a total of 6 in the month.

* At their sole discretion the Centre Plaza management will establish appropriate spacing for similar public events.

* The Centre Plaza management will hold tentative dates for Tenth Street Plaza that are less than 13 months out for a maximum of six weeks. If the prospective permittee does not call the Governing Authority and request a permit for the tentative hold within that six-week period, the hold will automatically be dropped at the end of the six-week period.

* Requests for the same event space on the same date are handled as follows:

The prospective permittee that has the date as a tentative will be notified. They will be required to make their deposit payment within three working days. If they fail to do so, their date will be released to the second party. The second party will then be required to make the deposit payment within three working days.

14. *PERMIT DEPOSIT*

No license is valid unless it is returned to the Centre Plaza management with a specified deposit by the date specified on the permit. A minimum of one-half of the fee will be required as a deposit.

In the case of cancellation of the event by the Lessee or a default of license terms by the Licensee causing the Governing Authority to void the license, the Governing Authority will retain the entire deposit as damages and bill the Licensee for any and all out-of-pocket expenses incurred as preparation for the canceled event.

Examples of causes to deny Tenth Street Plaza use

a. Failure to fully pay the Centre Plaza management's settlement statements on or before the date specified on the permit, including all rental fees, services, and other charges.

b. Failure to perform to the letter of the Centre Plaza management's license agreement on a past event.

c. Damage to Tenth Street Plaza or another facility in excess of normal wear that was of an intentional or willful nature.

d. Past situations were a prospective permittee condoned, encouraged, or engaged in activities that were deemed dangerous or harmful or potentially dangerous or harmful to event attendees.

e. When the proposed activity is deemed to be unlawful according to City, State, or Federal law.

f. Failure to control the sound level of amplified music.

15. *EXAMPLES OF EQUIPMENT THAT WILL HAVE TO BE PROVIDED BY THE LICENSEE*

Sound
Staging
Tables/chairs
Garbage cans
Portable restrooms

16. *CAPACITY*

Licensee shall not allow nor permit to allow more people into the Tenth Street Plaza than the determined capacity for the safe, free movement of people therein. Capacity will be determined in consultation with the Modesto City Fire Department and Police Department.

Dedicated paths of travel to businesses may be required.

17. *STORAGE*

There is not on-site storage at the Tenth Street Plaza. Licensee must make all arrangements for having equipment delivered to and removed from the site within the agreed upon timeframe of the facility rental.

18. *UTILITY CONNECTIONS*

There is limited 110 amp power located at the Tenth Street Plaza dedicated and available for the production of events. Any special power needs will have to be furnished by the Licensee. A $10 fee will be charged per duplex.

19. *BUSINESS LICENSE*

Private individuals and private companies utilizing the Tenth Street Plaza as a place to conduct business may be required to have a City of Modesto business license. One-day licenses can be obtained from the City of Modesto Finance Department at (209) 577-5389.

LICENSEE HAS READ AND UNDERSTANDS THE VENUE POLICIES AS SET FORTH ABOVE. LICENSEE AGREES TO OBSERVE AND ABIDE BY THE RULES AND REGULATIONS GOVERNING THE USAGE OF TENTH STREET PLAZA FOR PURPOSES AS STATED PER LICENSE.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 318

A RESOLUTION APPROVING RENEWAL OF EXCESS WORKERS' COMPENSATION INSURANCE

WHEREAS, since 1996, Robert F. Driver Associates (now Driver Alliant Insurance Services) has been the Broker of Record for the City's workers' compensation insurance needs, and

WHEREAS, renewal of said insurance is due on July 1, 2002, and

WHEREAS, staff has received an initial quote that provides for a rate increase due to the effects of deregulation, and

WHEREAS, staff has requested the Broker to pursue additional options, and

WHEREAS, due to time constraints in the renewal process, staff will present details on alternatives to the Council on June 25th, and

WHEREAS, based upon policy direction received from Council, staff will bind coverage through the City's broker,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Risk Manager is hereby authorized to bind excess workers' compensation insurance coverage as presented by the City's Broker of Record, including increasing the City's self-insured retention from $400,000 to $1 million.

BE IT FURTHER RESOLVED that the Budget Department will amend the Risk Management Budget appropriately for the increases.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2002, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO FORM

By: Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 319

A RESOLUTION AMENDING THE BUDGET FOR THE FISCAL YEAR 2001-2002 ANNUAL BUDGET

WHEREAS, the fourth quarter financial analysis has been completed, and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2001-2002.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations and transfers for the Fiscal Year 2001-2002 budget have been adjusted as shown on **Attachment "A".**

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: _____
MIKE MILICH, City Attorney

ATTACHMENT A

	CITY OF MODESTO AGENDA REPORT	AGENDA ITEM NO. COMMITEE MEETING: 6/24/02

Date: June 20, 2002

TO: Finance Committee

FROM: Robert V. Stout, Director of Finance

SUBJECT: Fiscal Year 2003 Budget Adoption Recommendations

CONTACT: Greg Baird, (gbaird@modestogov.com) 577-5458

RECOMMENDED COMMITEE ACTION:
Motion acknowledging receipt of report; referring report and recommendations to City Council.

BACKGROUND:
The Finance Committee reviewed the overall proposed budget at four workshops during the month of May and June. Listed below are the Committee's recommendations for budget adoption.

Finance Committee Recommendations

Balanced Budget
The Committee recommends that the following items be accepted by the City Council in order to maintain a balanced budget with at least a General Fund reserve of 8% or approximately $9.6 million.

- Fiscal Year 02: Department budget cuts of $1.77 million
- Fiscal Year 02: Transfer of one half of Department ABS (Accountability Budgeting Savings) savings of $1,523,371 to the General Fund Reserve
- Fiscal Year 02: Reduction of $2.0 million from the General Fund Storm Drain set-aside money for the Storm Drain Fund
- Fiscal Year 03: Department budget cuts of $2.25 million
- Fiscal Year 03: Transfer of $2 million from the Fleet Fund (Fleet Rate Holiday) to the General Fund Reserve

Supplemental Requests

The Committee recommends the department supplemental budget requests listed below:

1. **Fire Department (Public Safety) – Should the City of Modesto fund the supplemental budget requests from the Fire Department?**

The Committee agreed that the need to fund the Fire Department's requests is critical. The supplemental requests listed below should be funded:

- Weapons of Mass Destruction Training ($600,000 grant funded). Additional costs for equipment and training, as well as backfilling overtime, to prepare for terrorist activities should be funded in the amount of $33,410.
- Replacement of a Type 1 Engine. Total costs is $350,000, of which $177,453 is currently funded in the Fire Department FY 03 budget, with an additional amount of $172,547 funded by this supplemental request.
- Funding of a Fire Prevention Inspector should be funded in the amount of $30,000. This represents partial funding for the position.
- Start-up of the Pilot Paramedic Engine Company Program should be funded in the amount of $37,000.

2. **Personnel Department (Insurance Funds) - Should the City of Modesto provide an additional appropriation to fund an unanticipated increase in Property Insurance premiums?**

   - The Committee recommends that an additional $73,000 be added to Property Insurance Fund to cover this increase in premiums. The General Fund cost is $18,980 and the non-General Fund cost is $54,020.

3. **Information Technology Department (Information Technology) - Should the City of Modesto provide additional funding for the Computer Replacement Fund?**

   - The Committee recommends that an additional $102,500 be added to the Computer Replacement Fund for the purchase of new computers in an effort to reduce the current 7-8 year computer replacement cycle. Also recommends purchasing computers in bulk quantities for best pricing and standardization to move toward efficiency gains with "push" technology.

4. **Parks, Recreation and Neighborhoods Department (Contributions to Outside Organizations) - Should the City of Modesto reduce the Modesto Sister Cities Contribution by $13,000?**

   - The Committee recommends that the Modesto Sister Cities Contribution be evaluated each year when Sister Cities can review a budget with the City Council.

5. **Community and Economic Development Department (Business Parks) - Should $365,000 be re-appropriated for Business Park Development for fiscal year 2003?**

   - The Committee recommends that this unspent amount be re-appropriated for Fiscal Year 2003.

6. **Community and Economic Development Department (Ninth Street Renovations) – Should the Ninth Street Renovations budget request for $50,000 be re-appropriated for Fiscal Year 2003?**

- The Committee recommends that this item be directed to full Council for consideration at a future Council meeting.

7. **Engineering & Transportation (Traffic Signal Maintenance) - Should the City of Modesto fund the supplemental request for Traffic Signal Maintenance?**

   - The Committee recommends that the equipment necessary for this request be fully funded in the amount of $104,000 and that one half of the salary request for an Electrician position be funded in the amount of $32,521 for a total amount of $136,521.

8. **Operations & Maintenance (Water Charges for new Municipal Park Sites) - Should the City of Modesto fund the supplemental request for additional monies to pay for water charges for new parks?**

   - The Committee recommends that this supplemental request be fully funded in the amount of $30,000 to provide the necessary water to sustain newly planted vegetation in new City parks.

9. **Operations & Maintenance (Mistletoe Removal Services) - Should the City of Modesto fund the supplemental request to pay for mistletoe removal services?**

   - The Committee recommends that this supplemental request be partially funded in the amount of $50,000 to provide funds to contract for mistletoe removal.

10. **Operations & Maintenance (Sidewalk Repairs Services) - Should the City of Modesto fund the supplemental request to pay for sidewalk repair services?**

    - The Committee recommends that this supplemental request be partially funded in the amount of $50,000 to provide funds to contract for sidewalk repair services.

11. **Operations & Maintenance (Wastewater Fund) - Should the City of Modesto fund the supplemental request for the cost share program from Non-General funds?**

    - The Committee recommends that this supplemental request be funded in the amount of $100,000 for the cost share program impact (these monies will be appropriated from the Wastewater fund).

12. **Finance Department (Interactive Voice Response System) - Should the City of Modesto fund the supplemental request for an Interactive Voice Response System?**

    - The Committee recommends that this supplemental request be funded from the water and wastewater utility funds in the amount of $125,000.

13. **Finance Department (Counter Reconstruction in Customer Services area).**

    - The Committee recommends that the counter reconstruction (estimated at $200,000) be paid for through the Joint Powers Agency (JPA) and/or surplus funds redistributed between City and County at the close of books for JPA - 10th Street Project.

Summary of Budget Adjustments for 2003

Additional General Fund Funding	
Fire Department WMD Training	$ 33,410
Fire Department Replacement of Type 1 Engine	$172,547
Fire Department Partial Funding for Fire Prevention Inspector	$ 30,000
Fire Department Pilot Paramedic Engine Company Program	$ 37,000
Property Insurance Premium	$ 18,980
Information Technology Computer Replacement Fund	$102,500
E&T Traffic Signal Maintenance/Electrician	$136,521
O&M Water for New Parks	$ 30,000
O&M Mistletoe Removal Services	$ 50,000
O&M Sidewalk Repair Services	$ 50,000
General Fund Total	$660,958
Property Insurance Premium (additional amount paid by other funds)	$ 54,020
Finance Department Interactive Voice Response System (funded by Water and Wastewater Utility Funds)	$125,000
Non-General Fund $100,000 Wastewater Fund Appropriation For the cost share program impact	$100,000
Budget Reductions	
Modesto Sister Cities Contribution	$(13,000)

Committee Recommendations on Policy Issues

The following Committee recommendations on Policy Issues include Policy Issues not previously addressed in this staff report.

- Business Parks – the attraction of Business Park land should continue to be a high priority by the City Council. Funding for this item is included in the FY 03 budget in the Strategic Plan/Economic Development Fund.
- Public, Education & Government Programming (PEG) and Institutional Network (I-Net) – the City will initially fund the costs of these items from Franchise Fees and the Cable transfer settlement and may return to council with alternatives for additional funding, if necessary.
- PCE Litigation - the City Manager should be granted authority to appropriate fund balance reserves to pay for additional costs associated with Council-approved litigation (to be reviewed by Council each year).
- Golf Fund - under GASB34 policy, the Committee recommends that the General Fund loan be moved to a "subsidy" status. The Committee requests that a green fee increase of $1.00 every other year be considered.
- Setting of Charges and Fees – a formal policy regarding Charges and Fees should be adopted.

- Wastewater Rate Increases – the current multi-year rate increases should be brought before Council each year for additional review and approval. A 4% increase approval for FY03 is needed.
- Community Partnerships – the City should continue to seek partnerships to complete beautification projects and re-appropriate $50,000 in the FY 03 budget for this program.
- Littering – the City should continue to fund programs aimed at removing litter on City roadways and re-appropriate $83,000 in the FY 03 budget for equipment and salary for a Sheriff Deputy to oversee the work crews

Committee Recommendations on the Capital Improvement Program

The Planning Commission and Finance Committee recommendations are as follows:

- Capital Improvement Program (CIP) Funding Plans – there is still a need to insure funding for Fire Station 11 construction (General Fund revenue was saved in FY 02 by allocating construction funds over the next two fiscal years)
- Capital Facilities District (CFD) projects comprise a significant part of the City's Capital infrastructure that is not currently addressed in the CIP. A comprehensive approach would dictate that all capital facilities be addressed in the CIP. The Commission recommends that future CIP's include CFD facilities.
- Storm drainage facilities are critical. As noted in the draft CIP, a rate increase is crucial to the continued successful operation of our storm drainage system. The Commission supports a rate increase.
- Increasing acreage of parks and recreational facilities carries with it an increasing maintenance and operational burden. The Commission recommends that the City explore funding mechanisms such as the establishment of Landscaping and Lighting District(s) or Mello-Roos District(s) for this purpose.
- The Commission notes that fees such as CFF do not include an interest component. A financing system in which facilities are required before all the fees are collected should make provision for interest costs. The Commission understands that a capital fees study is to be undertaken in the coming year and recommends that this issue be addressed.
- The Commission strongly recommends that the City identify and adopt funding mechanisms other than "pay-as-you-go" to provide for infrastructure necessary to support new development and growth.

Committee Recommendations on Additional Re-Appropriations

- Street Report: Update on budget vs actual for FY02 and new budget amounts for FY03

Committee Recommendations on Unfunded Priorities

The following recommendations are a summary from the Budget Workshops:

- Fire Department. Funding for 3 additional fire fighters was placed on the Priority list in the amount of $300,000.

- Police Department. Matching funds in the amount of $150,000 was added to the Priority list for any new grant funding for six additional Police officers.
- Parks, Recreation and Neighborhoods Department. The Neighborhood Preservation Unit Technician was added to the Priority list in the amount of $44,895.
- Community and Economic Development Department. The Permit Tracking System was added to the Priority list in the amount of $103,258. Interim General Plan fees/surcharges were added to the Priority list in an unspecified amount.

Finance Committee Agenda for the June 24, 2002 Budget Workshop

- Advertising budgets and Modesto Bee contract
- Discuss Fiscal 2003 Budget:
  1. Review of Redevelopment Agency
  2. Contributions to Outside Organizations
  3. Review of tentative changes to departmental budgets
  4. Review of "priority" items
  5. Update on Streets Report
  6. Approval of Recommendations to City Council

REASONS FOR RECOMMENDATION:
Fiscal Year 2003 Budget Adoption.

EXISTING POLICY/RELATIONSHIP TO STRATEGIC PLAN:
The City Charter requires adoption of a budget for each upcoming fiscal year by June 30.

POLICY ALTERNATIVES:
Policy alternatives were discussed at Committee workshops.

FISCAL IMPACTS:
Fiscal impacts were discussed at Committee workshops.

INTERDEPARTMENTAL COORDINATION:
All department representatives have been involved with the budget input and have met with the City Manager and Finance Department to review budget proposals to the Finance Committee and City Council.

PUBLIC PARTICIPATION:
The proposed budget was presented to Council on May 14, 2002. Workshops were conducted on May 23, May 30, June 5, June 18 and June 24, 2002. A public hearing was held on June 5, 2002. The proposed budget documents are available to the public at the County Library located at 1500 I Street in Modesto, City Clerk's office and through the Finance Department located at 1010 Tenth Street.

COMMITTEE RECOMENDATION:
N/A

STEPS FOLLOWING APPROVAL:

The Finance Committee's recommendations will go forward to the City Council for the budget adoption.

Prepared by: _____
Greg Baird, Interim Budget Officer

Reviewed and Submitted by: _____
Robert V. Stout, Finance Director/Treasurer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 – 319A

A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2003

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 2002-03 Fiscal Year has been submitted to the City Council by the City Manager and the City Council has made such revisions as it has deemed advisable; and

WHEREAS, in accordance with the City Charter, a public hearing has been held upon the adoption of the proposed budget; and

WHEREAS, copies of the proposed budget have been and are available for inspection by the public at the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto has adopted the Operating and Capital Improvement Program Budgets for Fiscal Year 2002-03 with the adjustments as shown in **Attachment "A"**

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: _____
MIKE MILICH, City Attorney

ATTACHMENT A

CITY OF MODESTO AGENDA REPORT	AGENDA ITEM NO. COMMITEE MEETING: 6/24/02

Date: June 20, 2002

TO: Finance Committee

FROM: Robert V. Stout, Director of Finance

SUBJECT: Fiscal Year 2003 Budget Adoption Recommendations

CONTACT: Greg Baird, (gbaird@modestogov.com) 577-5458

RECOMMENDED COMMITEE ACTION:
Motion acknowledging receipt of report; referring report and recommendations to City Council.

BACKGROUND:
The Finance Committee reviewed the overall proposed budget at four workshops during the month of May and June. Listed below are the Committee's recommendations for budget adoption.

Finance Committee Recommendations

Balanced Budget
The Committee recommends that the following items be accepted by the City Council in order to maintain a balanced budget with at least a General Fund reserve of 8% or approximately $9.6 million.

- Fiscal Year 02: Department budget cuts of $1.77 million
- Fiscal Year 02: Transfer of one half of Department ABS (Accountability Budgeting Savings) savings of $1,523,371 to the General Fund Reserve
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- Fiscal Year 03: Department budget cuts of $2.25 million
- Fiscal Year 03: Transfer of $2 million from the Fleet Fund (Fleet Rate Holiday) to the General Fund Reserve

Supplemental Requests

The Committee recommends the department supplemental budget requests listed below:

1. **Fire Department (Public Safety) – Should the City of Modesto fund the supplemental budget requests from the Fire Department?**

The Committee agreed that the need to fund the Fire Department's requests is critical. The supplemental requests listed below should be funded:

- Weapons of Mass Destruction Training ($600,000 grant funded). Additional costs for equipment and training, as well as backfilling overtime, to prepare for terrorist activities should be funded in the amount of $33,410.
- Replacement of a Type 1 Engine. Total costs is $350,000, of which $177,453 is currently funded in the Fire Department FY 03 budget, with an additional amount of $172,547 funded by this supplemental request.
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- Start-up of the Pilot Paramedic Engine Company Program should be funded in the amount of $37,000.

2. **Personnel Department (Insurance Funds) - Should the City of Modesto provide an additional appropriation to fund an unanticipated increase in Property Insurance premiums?**

   - The Committee recommends that an additional $73,000 be added to Property Insurance Fund to cover this increase in premiums. The General Fund cost is $18,980 and the non-General Fund cost is $54,020.

3. **Information Technology Department (Information Technology) - Should the City of Modesto provide additional funding for the Computer Replacement Fund?**

   - The Committee recommends that an additional $102,500 be added to the Computer Replacement Fund for the purchase of new computers in an effort to reduce the current 7-8 year computer replacement cycle. Also recommends purchasing computers in bulk quantities for best pricing and standardization to move toward efficiency gains with "push" technology.

4. **Parks, Recreation and Neighborhoods Department (Contributions to Outside Organizations) - Should the City of Modesto reduce the Modesto Sister Cities Contribution by $13,000?**

   - The Committee recommends that the Modesto Sister Cities Contribution be evaluated each year when Sister Cities can review a budget with the City Council.

5. **Community and Economic Development Department (Business Parks) - Should $365,000 be re-appropriated for Business Park Development for fiscal year 2003?**

   - The Committee recommends that this unspent amount be re-appropriated for Fiscal Year 2003.

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- The Committee recommends that this item be directed to full Council for consideration at a future Council meeting.

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   - The Committee recommends that the equipment necessary for this request be fully funded in the amount of $104,000 and that one half of the salary request for an Electrician position be funded in the amount of $32,521 for a total amount of $136,521.

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11. **Operations & Maintenance (Wastewater Fund) - Should the City of Modesto fund the supplemental request for the cost share program from Non-General funds?**

    - The Committee recommends that this supplemental request be funded in the amount of $100,000 for the cost share program impact (these monies will be appropriated from the Wastewater fund).

12. **Finance Department (Interactive Voice Response System) - Should the City of Modesto fund the supplemental request for an Interactive Voice Response System?**

    - The Committee recommends that this supplemental request be funded from the water and wastewater utility funds in the amount of $125,000.

13. **Finance Department (Counter Reconstruction in Customer Services area).**

    - The Committee recommends that the counter reconstruction (estimated at $200,000) be paid for through the Joint Powers Agency (JPA) and/or surplus funds redistributed between City and County at the close of books for JPA - 10th Street Project.

Summary of Budget Adjustments for 2003

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Property Insurance Premium (additional amount paid by other funds)	$ 54,020
Finance Department Interactive Voice Response System (funded by Water and Wastewater Utility Funds)	$125,000
Non-General Fund $100,000 Wastewater Fund Appropriation For the cost share program impact	$100,000
Budget Reductions	
Modesto Sister Cities Contribution	$(13,000)

Committee Recommendations on Policy Issues

The following Committee recommendations on Policy Issues include Policy Issues not previously addressed in this staff report.

- Business Parks – the attraction of Business Park land should continue to be a high priority by the City Council. Funding for this item is included in the FY 03 budget in the Strategic Plan/Economic Development Fund.
- Public, Education & Government Programming (PEG) and Institutional Network (I-Net) – the City will initially fund the costs of these items from Franchise Fees and the Cable transfer settlement and may return to council with alternatives for additional funding, if necessary.
- PCE Litigation - the City Manager should be granted authority to appropriate fund balance reserves to pay for additional costs associated with Council-approved litigation (to be reviewed by Council each year).
- Golf Fund - under GASB34 policy, the Committee recommends that the General Fund loan be moved to a "subsidy" status. The Committee requests that a green fee increase of $1.00 every other year be considered.
- Setting of Charges and Fees – a formal policy regarding Charges and Fees should be adopted.

- Wastewater Rate Increases – the current multi-year rate increases should be brought before Council each year for additional review and approval. A 4% increase approval for FY03 is needed.
- Community Partnerships – the City should continue to seek partnerships to complete beautification projects and re-appropriate $50,000 in the FY 03 budget for this program.
- Littering – the City should continue to fund programs aimed at removing litter on City roadways and re-appropriate $83,000 in the FY 03 budget for equipment and salary for a Sheriff Deputy to oversee the work crews

Committee Recommendations on the Capital Improvement Program

The Planning Commission and Finance Committee recommendations are as follows:

- Capital Improvement Program (CIP) Funding Plans – there is still a need to insure funding for Fire Station 11 construction (General Fund revenue was saved in FY 02 by allocating construction funds over the next two fiscal years)
- Capital Facilities District (CFD) projects comprise a significant part of the City's Capital infrastructure that is not currently addressed in the CIP. A comprehensive approach would dictate that all capital facilities be addressed in the CIP. The Commission recommends that future CIP's include CFD facilities.
- Storm drainage facilities are critical. As noted in the draft CIP, a rate increase is crucial to the continued successful operation of our storm drainage system. The Commission supports a rate increase.
- Increasing acreage of parks and recreational facilities carries with it an increasing maintenance and operational burden. The Commission recommends that the City explore funding mechanisms such as the establishment of Landscaping and Lighting District(s) or Mello-Roos District(s) for this purpose.
- The Commission notes that fees such as CFF do not include an interest component. A financing system in which facilities are required before all the fees are collected should make provision for interest costs. The Commission understands that a capital fees study is to be undertaken in the coming year and recommends that this issue be addressed.
- The Commission strongly recommends that the City identify and adopt funding mechanisms other than "pay-as-you-go" to provide for infrastructure necessary to support new development and growth.

Committee Recommendations on Additional Re-Appropriations

- Street Report: Update on budget vs actual for FY02 and new budget amounts for FY03

Committee Recommendations on Unfunded Priorities

The following recommendations are a summary from the Budget Workshops:

- Fire Department. Funding for 3 additional fire fighters was placed on the Priority list in the amount of $300,000.

- Police Department. Matching funds in the amount of $150,000 was added to the Priority list for any new grant funding for six additional Police officers.
- Parks, Recreation and Neighborhoods Department. The Neighborhood Preservation Unit Technician was added to the Priority list in the amount of $44,895.
- Community and Economic Development Department. The Permit Tracking System was added to the Priority list in the amount of $103,258. Interim General Plan fees/surcharges were added to the Priority list in an unspecified amount.

Finance Committee Agenda for the June 24, 2002 Budget Workshop

- Advertising budgets and Modesto Bee contract
- Discuss Fiscal 2003 Budget:
  1. Review of Redevelopment Agency
  2. Contributions to Outside Organizations
  3. Review of tentative changes to departmental budgets
  4. Review of "priority" items
  5. Update on Streets Report
  6. Approval of Recommendations to City Council

REASONS FOR RECOMMENDATION:
Fiscal Year 2003 Budget Adoption.

EXISTING POLICY/RELATIONSHIP TO STRATEGIC PLAN:
The City Charter requires adoption of a budget for each upcoming fiscal year by June 30.

POLICY ALTERNATIVES:
Policy alternatives were discussed at Committee workshops.

FISCAL IMPACTS:
Fiscal impacts were discussed at Committee workshops.

INTERDEPARTMENTAL COORDINATION:
All department representatives have been involved with the budget input and have met with the City Manager and Finance Department to review budget proposals to the Finance Committee and City Council.

PUBLIC PARTICIPATION:
The proposed budget was presented to Council on May 14, 2002. Workshops were conducted on May 23, May 30, June 5, June 18 and June 24, 2002. A public hearing was held on June 5, 2002. The proposed budget documents are available to the public at the County Library located at 1500 I Street in Modesto, City Clerk's office and through the Finance Department located at 1010 Tenth Street.

COMMITTEE RECOMENDATION:
N/A

STEPS FOLLOWING APPROVAL:

The Finance Committee's recommendations will go forward to the City Council for the budget adoption.

Prepared by: _____

Greg Baird, Interim Budget Officer

Reviewed and Submitted by: _____

Robert V. Stout, Finance Director/Treasurer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 – 320

A RESOLUTION ESTABLISHING THE CALCULATION FOR THE APPROPRIATION LIMIT FOR THE FISCAL YEAR 2002-2003 ANNUAL BUDGET

WHEREAS, the Annual Budget of the City of Modesto is recommended for adoption, and Proposition 4 of the California State constitution requires the City to establish an appropriation limit calculation for the Fiscal Year 2002-2003,

WHEREAS, Article XIIIB of the California Constitution specifies that appropriations made by State and local governments may increase annually by a factor comprised of the change in population combined with either the change in California per capital personal income or the change in the local assessment roll due to local nonresidential construction, and

WHEREAS, the attached schedule shows the preferred price and population factors to be used and the appropriation limit with the recommended factors in calculating the limit are the price factor of "state growth in per capita income" and the population factor of "growth rate in Stanislaus County", and

WHEREAS, a copy of said report is on file in the Office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appropriation limit calculation is established as shown on **Attachment A**, attached hereto, and made a part hereof.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: _____
MIKE MILICH, City Attorney

FY2002-2003

APPROPRIATION LIMIT CALCULATION

FY2001-2002 Appropriation Limit		$213,669,499
Adjustment Factors		
Per Capita Personal Income Change	9.87%	
Population Change (Modesto)	2.56%	
Per Capita converted to a ratio	1.0987	
Population converted to a ratio	1.0256	
Calculation of factor for FY2001-2002	1.1268	
Adjustment		$27,093,292
FY2002-2003 Appropriation Limit		$240,762,791

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-321

A RESOLUTION APPROVING AN AGREEMENT WITH PARSONS BRINCKERHOFF QUADE AND DOUGLAS, INC., FOR THE DESIGN PROJECT TITLED "CITY OF MODESTO TRANSIT BUS MAINTENANCE FACILITY" AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the Proposals and Interviews for the design of the City of Modesto Transit Bus Maintenance Facility were rated by the selection team, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that Parsons Brinckerhoff Quade and Douglas, Inc., be accepted as the most qualified design firm, and

WHEREAS, the Engineering & Transportation Director has recommended accepting the proposal of Parsons Brinckerhoff Quade and Douglas, Inc., in an amount not to exceed $610,280, and

WHEREAS, the project was reviewed and approved by the Transportation Policy Committee at its May 28, 1999, meeting and, in concept, by the Council at its March 28, 2000, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Parsons Brinckerhoff Quade and Douglas, Inc., for design of the City of Modesto Transit Bus Maintenance Facility in an amount not to exceed $610,280.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-321A

A RESOLUTION APPROVING AN INTER-FUND TRANSFER AND AMENDING THE CAPITAL IMPROVEMENT PROGRAM (CIP) TO FULLY FUND THE MODESTO TRANSIT BUS MAINTENANCE FACILITY PROJECT.

WHEREAS, the Modesto Bus Maintenance Facility project was reviewed and approved by the Transportation Policy Committee at its May 28, 1999, meeting and, in concept, by the Council at its March 28, 2000, meeting, and

WHEREAS, the cost allocation plan for the Modesto Bus Maintenance and Storage Facility requires a ratio of transit and non-transit costs with the non-transit related costs of design, construction administration and project administration calculated to be 3.2% of the total costs of this type, which equals $19,529, and

WHEREAS, the Bus Maintenance Facility Capital Improvement Project Budget is presently divided across three different CIP projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following amendments to the Capital Improvement Program budget are hereby approved:

1. Transfer of funds from H028 to B911 as follows:

Fund	Agency	Org	Name	Budget	Adjustment	New Budget
720	480	H028	Fleet Maintenance Facility	234,397	(19,529)	214,868
651	160	B911	New Bus Maintenance Facility	8,832,960	19,529	8,852,489

2. Consolidate the existing three Bus Maintenance Facility Capital Improvement Budgets 651-160-J837, 6510-160-M262, 651-160-B911 into a single Capital Improvement Project Budget 651-160-B911

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-322

A RESOLUTION APPROVING A SPECIAL DISCHARGE AGREEMENT WITH MODESTO IRRIGATION DISTRICT FOR LATERAL 6 AT SALIDA WELL 313 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, The Modesto Irrigation District (MID) has an interest in certain real property within Stanislaus County consisting of a strip of land with certain improvements, which real property is commonly known as and referred to as MID Lateral 6 Right of Way (Lateral 6), and

WHEREAS, the City desires, from time to time, to make operational and maintenance releases from its Pump Facility and seeks MID's permission to discharge water from the Pump Facility into MID's Lateral 6 through a pipeline and associated facilities to be constructed by City, hereinafter referred to as the "Discharge Facility",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Special Discharge Agreement with MID for Lateral 6 at Salida Well 313.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-323

A RESOLUTION APPROVING AN AGREEMENT CONSENTING TO COMMMON USE FOR A WATERLINE UNDER MODESO IRRIGATION DISTRICT LATERAL 6 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, The Modesto Irrigation District (MID) has an interest in certain real property within Stanislaus County consisting of a strip of land with certain improvements, which real property is commonly known as and referred to as MID Lateral 6 Right of Way (Lateral 6), and

WHEREAS, the City wishes to install a ten inch (10") waterline, and

WHEREAS, the Waterline will occupy a portion of Lateral 6, which portion is hereinafter referred to as the "Area of Common Use" within Lateral 6,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement Consenting to Common Use.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-324

A RESOLUTION APPROVING THE FOURTH AMENDMENT TO THE MODESTO EXECUTIVE AIR CHARTER dba SKY TREK AVIATION LEASE ON THE FOSTER FARM HANGAR LEASE NOW ASSIGNED TO SKY TREK AVIATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO AGREEMENT

WHEREAS, Modesto Executive Air Charter, dba Sky Trek Aviation purchased Foster Poultry Farms' old aircraft hangar and the Council approved the assignment of the ground lease on April 17, 2001, and

WHEREAS, Jim Van Huekelem, President of Sky Trek Aviation, has requested that the term of the assigned ground lease be extended and have the same expiration date as Sky Trek Aviation's master lease, which expires on November 23, 2033, and

WHEREAS, the City anticipates that between the years of 2015 and 2033 aircraft based in the Sky Trek Aviation facilities will generate to the City approximately $11.4 million in aircraft taxes, so that the overall impact of an eighteen year extension is positive even though less rent will be generated than if the City held ownership of the hangar after the year 2015, and

WHEREAS, the Modesto City-County Airport Advisory Committee considered the request at their February 20, 2001, meeting and recommended the Transportation Policy Committee approve the request of Sky Trek Aviation, and

WHEREAS, the Transportation Policy Committee considered the request for an extension to the assigned lease at their April 18, 2002, meeting, and the committee members approved the request and recommended it be scheduled during a duly held meeting of the Council, and

WHEREAS, the Council, at their meeting on June 25, 2002, considered approving the Fourth Amendment to the Agreement that will extend Sky Trek Aviation's lease until November 23, 2033.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Fourth Amendment to the Agreement extending the Modesto Executive Air Charter, dba Sky Trek Aviation lease on the old Foster Poultry Farms' hangar property to November 23, 2033.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment to the Agreement on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th of June, 2002 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2003-325

A RESOLUTION APPROVING THE MODESTO CITY-COUNTY AIRPORT'S DIRECTIONAL SIGN PROGRAM AND THE PLACEMENT OF AIRPORT DIRECTONAL SIGNS WITHIN THE CITY LIMITS ON MAZE BOULEVARD, YOSEMITE, OAKDALE ROAD/EL VISTA, AND TENAYA DRIVE.

WHEREAS, Modesto City-County Airport's directional signs are either badly in need of repair or they are improperly placed and do not give adequate directions to the airport, and

WHEREAS, the Airport Advisory Committee appointed a sub-committee to review the existing signs and make recommendations for new signs and their suggested locations, and

WHEREAS, the sub-committee of the Airport Advisory Committee has recommended that the existing signs either be replaced with a newly designed sign, removed, or new signs be placed where no signs now exists, and

WHEREAS, the Airport Advisory Committee unanimously supported the sub-committee recommendation at their meeting on May 15, 2002, and recommended the suggestions be reviewed by the Council's Economic Development Committee, and

WHEREAS, the Economic Development Committee at their meeting on June 10, 2002 approved the airport's directional sign concept, and requested the Council consider approving the improvement to the airport's directional signs, and

WHEREAS, the City Council considered airport directional sign improvements at the Council's regular meeting on July 2, 2002,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the directional sign program for Modesto City-County Airport and approves placement of said signs within the city limits on Maze Boulevard, Yosemite, Oakdale Road/El Vista and Tenaya Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd of July, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-326

A RESOLUTION APPROVING THREE (3) AMENDMENTS TO AGREEMENTS BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOLS DISTRICT TO INCREASE THE COSTS FOR ELECTRICITY FROM $1.00 PER HOUR TO $2.00 PER HOUR DURING THE HOURS THAT THE CITY USES MULTI-PURPOSE FACILITIES LOCATED AT LA LOMA, ROOSEVELT AND MARK TWAIN JUNIOR HIGH SCHOOLS.

WHEREAS, on January 10, 1977, the City entered into an agreement with Modesto City Schools (District) for construction and operation of a multipurpose facility at the La Loma Junior High School, and

WHEREAS, on March 28, 1977, the City entered into an agreement with Modesto City Schools for construction and operation of a multipurpose facility at the Mark Twain Junior High School, and

WHEREAS, on March 23, 1982, the City entered into an agreement with Modesto City Schools for construction and operation of a multipurpose facility at the Roosevelt Junior High School, and

WHEREAS, each of these three (3) agreements provides for the City to pay the District $1.00 per hour for electricity during the City's hours of use, and

WHEREAS, the City and the District now desire to amend these agreements to provide for the City to pay the District $2.00 per hour for electricity during the City's hours of use, and

WHEREAS, the Safety and Communities Committee met on June 3, 2002, and supported the recommended amendments to the agreements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves three (3) Amendments to Agreements between the City of Modesto and Modesto City Schools District to increase the costs for electricity from $1.00 per hour to $2.00 per hour during the hours that the City uses multi-purpose facilities located at La Loma, Roosevelt and Mark Twain Junior High Schools.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute each Amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

AMENDMENT TO AGREEMENT

This Amendment is made and entered into in the City of Modesto, County of Stanislaus, State of California effective the ____ day of _____, 2002, by and between the CITY OF MODESTO, a municipal corporation of the State of California, hereinafter referred to as "CITY", and the MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY, CALIFORNIA, hereinafter called DISTRICT.

This Amendment is made with reference to the following recitals:

A. CITY and DISTRICT executed an Agreement, dated March 23, 1982, for construction and operation of a multipurpose facility at the Roosevelt Junior High School; and,

B. CITY and DISTRICT now desire to amend the Agreement to modify the amount the CITY reimburses DISTRICT for energy consumption in the multipurpose facility during times of CITY use.

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein, the parties mutually agree and covenant as follows:

1. Except as provided herein, the terms used in this Amendment shall have the same meaning as the same terms have in the Agreement.

2. The Agreement is amended as follows:

A. Paragraph 5. is modified to read:

"CITY agrees to pay all costs for electricity during the hours it uses said multipurpose facility, as set forth in the Agreement. Such costs shall be calculated at the rate of two and no/100ths ($2.00) dollars per hour.

DISTRICT shall bill CITY annually within thirty (30) days of the close of DISTRICT'S fiscal year.

Payment by CITY to DISTRICT under the terms provided in this Amendment shall be effective as of July 1, 2002."

3. Except as provided herein, all other terms and provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Amendment to the Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No._____, adopted by the Council of the City of Modesto on the ____ day of _____, 2002.

CITY:

CITY OF MODESTO,
a municipal corporation

By: _____
JACK R. CRIST, City Manager

ATTEST:

By: _____
JEAN ZAHR, City Clerk

DISTRICT:

MODESTO CITY SCHOOL DISTRICT

By: _____

Title: _____

By: _____

Title: _____

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

AMENDMENT TO AGREEMENT

This Amendment is made and entered into in the City of Modesto, County of Stanislaus, State of California effective the _____ day of _____, 2002, by and between the CITY OF MODESTO, a municipal corporation of the State of California, hereinafter referred to as "CITY", and the MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY, CALIFORNIA, hereinafter called DISTRICT.

This Amendment is made with reference to the following recitals:

A. CITY and DISTRICT executed an Agreement, dated March 28, 1977, for construction and operation of a multipurpose facility at the Mark Twain Junior High School; and,

B. CITY and DISTRICT now desire to amend the Agreement to modify the amount the CITY reimburses DISTRICT for energy consumption in the multipurpose facility during times of CITY use.

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein, the parties mutually agree and covenant as follows:

1. Except as provided herein, the terms used in this Amendment shall have the same meaning as the same terms have in the Agreement.

2. The Agreement is amended as follows:

A. Paragraph 5. is modified to read:

"CITY agrees to pay all costs for electricity during the hours it uses said multipurpose facility, as set forth in the Agreement. Such costs shall be calculated at the rate of two and no/100ths ($2.00) dollars per hour.

DISTRICT shall bill CITY annually within thirty (30) days of the close of DISTRICT'S fiscal year.

Payment by CITY to DISTRICT under the terms provided in this Amendment shall be effective as of July 1, 2002."

3. Except as provided herein, all other terms and provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Amendment to the Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No._____, adopted by the Council of the City of Modesto on the _____ day of _____, 2002.

CITY:

CITY OF MODESTO,
a municipal corporation

By: _____
JACK R. CRIST, City Manager

ATTEST:

By: _____
JEAN ZAHR, City Clerk

DISTRICT:

MODESTO CITY SCHOOL DISTRICT

By: _____

Title: _____

By: _____

Title: _____

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

AMENDMENT TO AGREEMENT

This Amendment is made and entered into in the City of Modesto, County of Stanislaus, State of California effective the ____ day of _____, 2002, by and between the CITY OF MODESTO, a municipal corporation of the State of California, hereinafter referred to as "CITY", and the MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY, CALIFORNIA, hereinafter called DISTRICT.

This Amendment is made with reference to the following recitals:

A. CITY and DISTRICT executed an Agreement, dated January 10, 1977, for construction and operation of a multipurpose facility at the La Loma Junior High School; and,

B. CITY and DISTRICT now desire to amend the Agreement to modify the amount the CITY reimburses DISTRICT for energy consumption in the multipurpose facility during times of CITY use.

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein, the parties mutually agree and covenant as follows:

1. Except as provided herein, the terms used in this Amendment shall have the same meaning as the same terms have in the Agreement.

2. The Agreement is amended as follows:

A. Paragraph 5. is modified to read:

"CITY agrees to pay all costs for electricity during the hours it uses said multipurpose facility, as set forth in the Agreement. Such costs shall be calculated at the rate of two and no/100ths ($2.00) dollars per hour.

DISTRICT shall bill CITY annually within thirty (30) days of the close of DISTRICT'S fiscal year.

Payment by CITY to DISTRICT under the terms provided in this Amendment shall be effective as of July 1, 2002."

3. Except as provided herein, all other terms and provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Amendment to the Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No._____, adopted by the Council of the City of Modesto on the _____ day of _____, 2002.

CITY:

CITY OF MODESTO,
a municipal corporation

By: _____
JACK R. CRIST, City Manager

ATTEST:

By: _____
JEAN ZAHR, City Clerk

DISTRICT:

MODESTO CITY SCHOOL DISTRICT

By: _____

Title: _____

By: _____

Title: _____

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-327

A RESOLUTION ALLOWING A REFUND TO SACRAMENTO COCA-COLA BOTTLING OF OVER PAID BUSINESS LICENSE TAXES AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID REFUND

WHEREAS, the Sacramento Coca-Cola Bottling company has submitted a request for a business license tax refund, and

WHEREAS, the City Finance Department has verified said refund, and

WHEREAS, the Modesto City Council is required to approve all refunds of more than $5000.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a refund of $18, 191.25 will be paid to Sacramento Coca-Cola Bottling.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute said refund.

The forgoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-328

A RESOLUTION ACCEPTING THE PROJECT TITLED "ORANGEBURG AVENUE WATERLINE" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Orangeburg Avenue Waterline, has been completed by Mozingo Construction, Inc., in accordance with the contract agreement dated March 12, 2002.

NOW, THEREFORE, BE IT RESOLVED that the Orangeburg Avenue Waterline project be accepted from said contractor, Mozingo Construction, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $203,289.20 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-329

A RESOLUTION ACCEPTING IMPROVEMENTS IN SUNDANCE LAKE UNIT NO. 1 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, SUNDANCE LAKE MODESTO, LLC, a Delaware Limited Liability Company, and JOSEPH DARWIN COLBY, Trustee of the JOSEPH DARWIN COLBY TRUST dated April 1, 1994, subdividers of Sundance Lake Unit No. 1 subdivision, have filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $526,435.00 and $263,217.50, respectively, and,

WHEREAS, SUNDANCE LAKE MODESTO, LLC, a Delaware Limited Liability Company, and JOSEPH DARWIN COLBY, Trustee of the JOSEPH DARWIN COLBY TRUST dated April 1, 1994, has filed a warranty bond in the amount of $52,643.50 to guarantee improvements in Sundance Lake Unit No.1 subdivision, and,

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department, and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:

1. The improvements in Sundance Lake Unit No. 1 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $526,435.00 upon recordation of the notice of completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $263,217.50 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $52,643.50 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-330

A RESOLUTION ACCEPTING THE BID OF BDS CONSTRUCTION, INC. FOR THE PROJECT TITLED "2002 HANDICAP RAMP CONSTRUCTION"

WHEREAS, the bids received for 2002 Handicap Ramp Construction were opened at 11:00 a.m. on June 25, 2002, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $199,765 received from BDS Construction, Inc., be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of BDS Construction, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-331

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC FOR THE PROJECT TITLED "MPD TRAINING FACILITY – 3000 WEST MAIN STREET IMPROVEMENTS"

WHEREAS, the bids received for MPD Training Facility- 3000 West Main Street Improvements were opened at 11:00 a.m. on June 4, 2002, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $99,280 received from George Reed, Inc., be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-332

A RESOLUTION AWARDING A BID TO SIERRA CHEMICAL COMPANY OF SPARKS, NEVADA, FOR LIQUID SULPHUR DIOXIDE FOR FY 2002-2003 FOR $72,907.63 ANDAUTHORIZING THE PURCHASING SUPERVISOR TO ISSUE A PURCHASE ORDER TO SIERRA CHEMICAL COMPANY IN THE AMOUNT OF $72,907.63, WITH THE OPTION OF TWO ADDITIONAL, ONE-YEAR EXTENSIONS.

WHEREAS, the Operations and Maintenance Department-Water Quality Control (WQC) has requested the purchase of liquid sulphur dioxide for FY 2002/2003 with the option of two (2) additional, one-year extensions, and

WHEREAS, the City of Modesto is responsible for the proper disinfection of water that is discharged into the San Joaquin River based on the Regional Water Quality Control Board permit, and

WHEREAS, liquid sulphur dioxide is used at the Jennings Road facility to de-chlorinate secondary treated wastewater before it is discharged into the San Joaquin River, and

WHEREAS, liquid sulphur dioxide is used during river discharge season from October through May, and

WHEREAS, out of fifteen (15) suppliers solicited, two (2) responded to the City's Request for Proposal (RFP), and

WHEREAS, Sierra Chemical Company of Sparks, Nevada is the lowest responsive and responsible bidder with an approximate annual cost of $72,907.63, and

WHEREAS, liquid sulphur dioxide will be ordered by department staff on an as needed basis during FY 2002-2003,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby awards the bid for liquid sulphur dioxide for FY 2002-2003 to Sierra Chemical Company of Sparks, Nevada, for a total annual cost of approximately $72,907.63, with the option of two additional, one-year contract extensions.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is authorized to issue an annual agreement not to exceed $72,907.63 to Sierra Chemical Company of Sparks, Nevada, for FY 2002-2003, with the option of two additional one year contract extensions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2002 by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-333

A RESOLUTION AWARDING A BID TO KEMIRON PACIFIC OF LAWRENCE, KANSAS, FOR LIQUID FERRIC CHLORIDE FOR FY 2002-2003 FOR $128,156.70 AND AUTHORIZING THE PURCHASING SUPERVISOR TO ISSUE A PURCHASE ORDER TO KEMIRON PACIFIC IN THE AMOUNT OF $128,156.70 WITH THE OPTION OF TWO (2) ADDITIONAL, ONE-YEAR EXTENSIONS.

WHEREAS, the Operations and Maintenance Department-Water Quality Control (WQC) requested the purchase of liquid ferric chloride for FY 2002/2003 with the option of two (2) additional, one-year contract extensions, and

WHEREAS, Resolution No. 2001-15 authorized the solicitation of bids for liquid ferric chloride for FY 2002/2003 for the Operations and Maintenance Department-Water Quality (WQC), with the option of two (2) additional, one-year contract extensions, and

WHEREAS, liquid ferric chloride eliminates the need to use chlorine at the primary wastewater treatment plant for controlling hydrogen sulfide gas odor and eliminates the potential hazards and cost associated with the maintenance and operation of the chlorinating process, and

WHEREAS, out of fifteen (15) suppliers solicited, two (2) responded to the City's Request for Proposal (RFP), and

WHEREAS, Kemiron of Lawrence, Kansas, was the lowest responsive and responsible bidder with an approximate annual cost of $128,156.70, and

WHEREAS, liquid ferric chloride will be ordered by Operations & Maintenance Department staff on an as needed basis during FY 2002-2003,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby awards the bid for liquid ferric chloride for FY 2002/2003 to Kemiron Pacific Inc., for a total annual cost of approximately $128,156.70, with the option of two (2) additional, one-year contract extensions.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is authorized to issue an annual agreement not to exceed $128,156.70 to Kemiron Pacific, Inc., for FY 2002/2003 with the option of two (2) additional, one-year contract extensions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-334

A RESOLUTION AUTHORIZING THE PURCHASE OF EXHAUST SYSTEMS FOR NINE (9) FIRE STATIONS FROM NEU-TECH, FOR A TOTAL COST OF $125,777.50 AND AUTHORIZING THE ISSUAMCE OF A PURCHASE ORDER FOR THE ACQUISITION AND INSTALLATION OF SAID EXHAUST SYSTEMS.

WHEREAS, the Fire Department requested the purchase of exhaust systems to remove "standing" exhaust emissions from the apparatus bays at the fire stations, and

WHEREAS, the "standing" exhaust poses a health concern for staff, and

WHEREAS, the exhaust systems will be used to remove exhaust emissions for the apparatus bays, and

WHEREAS, during the course of the previous two solicitations, staff was able to determine on a technical basis, that Neu-Tech was the only manufacturer of this type of exhaust system to meet the City's requirements, and

WHEREAS, the Neu-Tech design was the only one which did not require the apparatus exhaust systems to be modified, and

WHEREAS, the total cost of nine (9) exhaust systems is $125,777.50, and

WHEREAS, this purchase recommendation was presented to and approved by the Safety and Communities Committee on June 3, 2002, and

WHEREAS, Municipal Code Section 8-3.203(d) allows for the Purchasing Officer, at his or her discretion, to determine that a process other than the usual formal bid procedures will result in a procurement for the City at the lowest cost commensurate with the desired quality, and

WHEREAS, acting within his discretion, the Purchasing Officer has invoked that exception for this purchase,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the purchase of nine (9) exhaust systems from Neu-Tech.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to issue a purchase order for the acquisition and installation of exhaust systems for the nine (9) fire stations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-335

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT A REQUEST FOR BIDS FOR PRESORT MAILING SERVICES.

WHEREAS, presort mailing services were last bid in 1992, and

WHEREAS, the presort mailing includes the collection of mail from centralized locations, presorting by zip codes, and mailing the collected mail, and

WHEREAS, the services provide for the folding and inserting into envelopes, and mailing, the City's utility billings, and

WHEREAS, the anticipated cost of presort mailing services will be approximately $350 ,000.00 annually, and

WHEREAS, by soliciting competitive bids for the presort mailing services, the Finance Department-Purchasing Division will comply with the Modesto Municipal Code, Section 8-3.204, regarding formal bid procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the formal solicitation of bids for presort mailing services is hereby approved as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for presort mailing services to be opened in the office of the City Clerk, 1010 10TH Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NUMBER 2002-336

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION FOR THE 2002 FEDERAL LOCAL LAW ENFORCEMENT BLOCK GRANT WITH THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR THE PROCUREMENT OF EQUIPMENT AND TECHNOLOGY

WHEREAS, the City of Modesto Police Department can make application to the the U. S. Department of Justice, Bureau of Justice Assistance for the 2002 Local Law Enforcement Block Grant Program, and

WHEREAS, the program is of 24-month duration, and it includes the program area of procuring equipment and technology to enhance law enforcement, and

WHEREAS, the Police Department wishes to submit an application for various unmet equipment and technology needs, and

WHEREAS, acceptance of this grant enhances Healthy and Safe Strategic Action Plan action, H.1.B.8., which calls for obtaining public service grants, and

WHEREAS, the total grant project will be $240,634 of which the federal share is $216,571 and the local match is $24,063 and that match is available from the Supplemental Law Enforcement Services Fund, and

WHEREAS, at its meeting of June 3, 2002 the Safety and Communities Committee was informed of this grant opportunity, and

WHEREAS, the Police Department will present a specific budget for equipment and technology to the Council of the City of Modesto, in a public hearing, after notification that the application has been accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves making application for the 2002 Local Law Enforcement Block Grant contract for the purchase of police equipment and technology.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said grant application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 -337

A RESOLUTION APPROVING A REVISED POLICY FOR INVESTMENT OF PUBLIC FUNDS, POLICY NO. 1.019

WHEREAS, pursuant to Section 2-3.401 of the Modesto Municipal Code, it is the function of the City of Modesto ("City") Finance Department to deposit and invest funds in accordance with sound treasury management, and

WHEREAS, the City is also governed by Sections 53600 et seq. of the California Government Code, which requires that local agencies annually adopt an investment policy, and

WHEREAS, by an Agenda Report dated June 19, 2002, from the Director of Finance, the recommendation has been made to revise Policy No. 1.019 relating to the Investment of Public Funds, and

WHEREAS, the proposed changes appear under "Bankers Acceptances" on page 4 and under "Diversified Management Companies (Mutual Funds)" on page 6, and reflect administrative changes due to new legislation, a copy of the proposed policy is marked **Exhibit "A"**, attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the revised policy for Investment of Public Funds, Policy No. 1.019.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO	CITY COUNCIL POLICY	EFFECTIVE DATE:	POLICY NO.: 1.019
		CITY DEPARTMENT:	

Subject: Investment Policy

PURPOSE

The purpose of this document is to identify various policies and procedures that enhance opportunities for a prudent and systematic investment policy and to organize and formalize investment-related activities.

BACKGROUND

Under Section 2-3.401 of the Municipal Code, it is the function of the Finance Department to deposit and invest funds in accordance with sound treasury management. As a charter city, Modesto operates its pooled idle cash investment under the "prudent investor" rule which states that:

> "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not of speculation, but for investments, considering the probable safety of their capital as well as the probable cause to be derived."

The City is also governed by Sections 53600 et seq. of the California Government Code. This affords the City a broad spectrum of investment opportunities, so long as the investment is deemed prudent and allowable under current legislation of the State of California and the charter of the City of Modesto.

On an annual basis, the Finance Director/Treasurer will render to the City Council the statement of investment policy. The report will be considered, with any changes, by the City Council at a public meeting.

INVESTMENT REPORT

The Finance Director/Treasurer shall render a quarterly report to the City Council, City Manager and the internal auditor within 30 days following the end of the quarter. The report shall contain the following:

1. The type of investment, issuer, date of maturity, par and dollar amount invested on all securities, investments and monies.

2. The weighted average maturity of the portfolio.

3. A description of any funds, investments or programs that are under management of contracted

City of Modesto
Portfolio Management
Distribution of Investments By Type
March 2001 through March 2002

Security Type	March 2001	April 2001	May 2001	June 2001	July 2001	August 2001	September 2001	October 2001	November 2001	December 2001	January 2002	February 2002	March 2002	Average by Period
Certificates of Deposit - Bank	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2			0.2%
Certificates of Deposit - S & L														
Negotiable CD's - Broker														
Local Agency Investment Funds	81.5	77.2	74.6	65.7	65.4	67.7	66.9	67.3	68.4	68.6	70.5	68.6	68.6	70.1%
Commercial Paper - Interest Bearing														
Repurchase Agreements														
Money Market Sweep		16.5	4.5						2.0					1.8%
Federal Agency Issues - Coupon	18.2	6.0	20.7	34.1	34.3	32.1	32.8	32.5	29.4	31.2	29.3	31.5	31.5	28.0%
Treasury Securities - Coupon														
Miscellaneous														
Bankers Acceptances -Amortizing														
Commercial Paper Disc. -Amortizing														
Federal Agency Disc. -Amortizing														
Treasury Discounts -Amortizing														
Miscellaneous Discounts -Amortizing														

parties, including lending programs. Funds and investments held by contracted parties shall be reported at market value and the source of valuation shall be reported.

4. The market value as of the date of the report, and the source of the valuation.

5. A statement of compliance with the investment policy or manner in which the portfolio is not in compliance.

6. A statement denoting the City's ability to meet its expenditure requirements for the next six months or provide an explanation as to why sufficient money shall, or may, not be available.

INVESTMENT CRITERIA

Public funds are invested in the following manner in order of priority:

1. **Safety of Principal**
   The duty of the Finance Director/Treasurer is to protect, preserve and maintain cash and investments on behalf of the citizens of the community. To guard against loss of principal, only prudent and safe investments will be considered.

2. **Liquidity**
   The receipt of revenues and maturities of investments should be scheduled so that adequate cash will be available to meet disbursements. An adequate portion of the portfolio should be maintained in liquid short-term instruments which can be readily converted to cash if necessary.

3. **Yield**
   Yield is the potential dollar earnings, or rate of return, an investment can provide. Yield becomes a consideration only after the basic requirements of safety and liquidity have been met.

AUTHORIZED INVESTMENTS

Commencing with Section 53601 of Article 1, Chapter 4 of the Government Code of the State of California, surplus money may be invested in the following:

A. Bonds issued by the City.

B. United States Treasury notes, bonds, bills or certificates of indebtedness or those for which the faith and credit of the United States are pledged for the principal and interest.

C. Registered State of California warrants, treasury notes or bonds.

D. Bonds, notes, warrants or other evidence of indebtedness of any local agency within California.

E. Obligations issued by a federal agency or United States government-sponsored enterprise.

F. Bills of exchange or time drafts (bankers acceptances) drawn on and accepted by a commercial bank.

G. Commercial paper of "prime" quality.

H. Certificates of deposit (CD) and negotiable certificates of deposit (NCD) issued by a nationally or state-chartered bank or a state or federal association or a state-licensed branch of a foreign bank.

I. Investment in repurchase agreements or reverse repurchase agreements of any authorized securities.

J. Medium-term corporate notes of a maximum of five years maturity issued by corporations operating within the United States.

K. Shares of beneficial interest issued by diversified management companies as defined in Section 23701(m) of the Revenue and Taxation Code (mutual funds).

L. State of California Local Agency Investment Fund (LAIF).

M. Any mortgage pass-through security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable-backed bond of a maximum of five years maturity.

Detailed descriptions of investment instruments and terms are provided in Appendix A - Glossary.

AUTHORIZED INVESTMENT PERSONNEL

Idle cash management and investment transactions are the responsibility of the Finance Department, which is under the control of the Finance Director/Treasurer. The Finance Director/Treasurer may designate an individual ("Designee") to be responsible for the daily management of the City's portfolio of treasury investments. The Designee may also be directed to monitor and forecast the City's cash flows, and prepare periodic investment reports that are submitted to the City Council. The Accounting Division of the Finance Department monitors all treasury transactions and prepares accounting records of all investment transactions as to type of investment, amount, yield, and maturity.

The Finance Director/Treasurer or Designee is authorized to make all investment transactions allowed by the Investment Policy. The Finance Director/Treasurer may authorize the Designee

to enter into investments within specified parameters. No other person has authority to make investment transactions without the written authority of the Finance Director/Treasurer. Pursuant to Government Code chapter 53600, all persons investing monies are trustees and therefore fiduciaries subject to the prudent investor standard. Financial market security transactions will be executed by delivery versus payment and the securities will be held by a third party custodian.

As part of each year's financial audit of the City, the external auditors shall review the Authorized Investment Personnel arrangement, and convey to the City Council any problems or recommended changes therein.

RESTRICTIONS SET BY GOVERNMENT CODE

A. General

Maximum maturity of an authorized investment is limited to five years.

Proceeds of sales or funds set aside for the repayment of any notes (e.g., Tax and Revenue Anticipation Notes) shall not be invested for a term that exceeds the term of the notes.

Investment in inverse floaters, range notes, or interest only strips that are derived from a pool of mortgages is prohibited.

Investment in any security that could result in a zero interest accrual if held to maturity is prohibited.

B. Bankers Acceptance (Bills of Exchange or Time Drafts)

Required to be eligible for purchase by the Federal Reserve System.

Must not exceed *180* days maturity.

Must not exceed 40% of the City's surplus funds. No more than 30% of the City's surplus funds can be invested in the Bankers Acceptance of any one commercial bank.

C. Commercial Paper

Must be "prime" quality of the highest ranking as provided by Moody's Investment Service, Inc. or Standard and Poor's Corporation (A-1, P-1).

Limited to issuing corporations that are organized and operating within the United States with total assets in excess of $500,000,000.

Must not exceed 180 days maturity.

Must not represent more than 10% of the outstanding paper of an issuing corporation.

Must not exceed 15% of the City's surplus funds.

May invest an additional 15% if the dollar-weighted average maturity of the entire amount of commercial paper outstanding does not exceed 31 days.

D. Certificates of Deposit

Require 110% government security collateralization by the institution.

E. Negotiable Certificates of Deposit

Must not exceed 30% of the City's surplus funds.

F. Repurchase Agreements

Must not exceed 365 days maturity.

Market value of collateral shall be 102 percent of the funds borrowed against those securities, adjusted at least on a quarterly basis.

G. Reverse Repurchase Agreements

Require prior approval of the City Council.

Must not exceed 20% of the City's surplus funds.

Security must have been held for a minimum of 30 days.

Term must not exceed 92 days unless the agreement matches a matching codicil guaranteeing a minimum earning spread.

H. Medium Term Corporate Notes

Notes must be rated in the top three rating categories by two of the three largest nationally recognized rating agencies.

Issuer must be organized and operating within the U.S. or be a depository institution licensed by the U.S. or any state and operating within the U.S.

Must not exceed 30% of the City's surplus funds.

I. Diversified Management Companies (Mutual Funds)

Fund must be rated in the top three rating categories by two of the three largest nationally recognized rating agencies.

Must not exceed 15% of the City's surplus funds. *No more than 10% of the City's surplus funds may be invested in any one mutual fund.*

RESTRICTIONS SET BY THE FINANCE DIRECTOR/TREASURER

A. Prior approval of the Finance Director is required for the following transactions:

Sale of securities
Swaps and trades
Purchase of collateralized mortgage obligations (CMO)
Purchase of mortgage-backed obligations
Purchase transaction in excess of $3 million

B. The following investments are not deemed appropriate for the City and will not be utilized:

Futures and options
Small Business Administration notes

APPENDIX A - GLOSSARY

Bankers Acceptances (BAs)
Bankers Acceptance is a time bill of exchange drawn on and accepted by a commercial bank to finance the exchange of goods. When a bank "accepts" such a bill, the time draft becomes, in effect, a predated certified check payable to the bearer at some future specified date. Little risk is involved for the investor because the commercial bank assumes primary liability once the draft is accepted.

Certificates of Deposit (CDS)
A certificate of deposit is issued against funds deposited in a commercial bank for a definite period of time and earning a specified rate of return. They are issued in two forms, negotiable and non-negotiable:

A **negotiable certificate of deposit** may be sold by one holder to another prior to maturity. This is possible because the issuing bank agrees to pay the amount of the deposit, plus earned interest, to the Bearer of the certificate at maturity.

A **non-negotiable certificate of deposit** is collateralized and is not a money market instrument since it cannot be traded in the secondary market. It is issued on a fixed maturity basis and often pays a higher interest rate than is permissible on other savings or time deposit accounts.

Collateralized Mortgage Obligation (CMO)
A CMO is a pool of mortgages sold as a single investment with interest paid monthly, quarterly, or semi-annually. Mortgage securities pay a higher rate than U.S. Treasury securities due to risk of prepayment and default.

Commercial Paper (CP)
This is a short-term promissory note issued by a corporation to raise working capital. The interest rates tend to be higher than other investments of similar liquidity.

Derivatives
A financial instrument with a value derived from the value of one or more underlying assets or indexes of asset values. The term "derivative products" refers to instruments or features such as collateralized mortgage obligations (CMOs), interest-only (IOs) and principal-only (POs), forwards, futures, currency and interest rate swaps, options, floaters/inverse floaters, and caps/floors/collars.

Federal Agency Securities
Certain agencies created by Congress and sponsored by the federal government issue debt that is considered to be of prime quality and have a very high standing in the bond market. The major

federal agencies are described as follows:

Federal National Mortgage Association (FNMA, "Fannie Mae") provides funds to the mortgage market primarily by purchasing loans from local lenders.

Federal Home Loan Mortgage Corporation (FHLMC, "Freddie Mac") purchases conventional mortgages and sells mortgage-backed securities.

Student Loan Marketing Association (SLMA, "Sallie Mae") facilitates that flow of private capital into various federally-guaranteed student loan programs maintained through banks, S&Ls, educational institutions and other participating lenders.

Federal Farm Credit System (FFCB) sells securities to provide mortgage loans and short-term and intermediate-term credit to farmers, ranchers, and agricultural cooperatives.

Federal Home Loan Bank (FHLB) acts as a credit reserve system for the thrift industry to stabilize the flow of funds to member savings and loan and savings banks.

Futures

Exchange traded contracts specifying a future date of delivery or receipt of a specific product (physical commodity or financial instrument). Futures are used by business as a hedge against unfavorable price changes, and by speculators who hope to profit from such changes.

Local Agency Investment Fund (LAIF)

State of California LAIF is designed to provide a convenient and safe means of investing temporarily idle monies by the State Treasurer. LAIF provides high liquidity and generally pays higher yields than can be realized by individual local agencies (for similar maturities) due to economies of scale.

Medium-Term Notes

Issued by corporations (in the form of secured or unsecured debt) for the purpose of raising working capital and purchasing capital assets.

Options

A right to buy (call) or sell (put) a fixed amount of a given stock at a specified price within a limited period of time. The purchaser hopes that the stock's price will go up (if he bought a call) or down (if he bought a put) by an amount sufficient to provide a profit when he sells the option. If the price is static or moves in the opposite direction, the price paid for the option is lost entirely.

Repurchase Agreement

As authorized in Government Code Section 53601(I), these investment vehicles are (generally short-term) agreements between the local agency and seller for the purchase of Government

securities to be resold at a specific date and for a specific amount.

Reverse Repurchase Agreement
This transactions is the opposite of a repurchase agreement. The dealer buys securities with a contractual agreement to sell them back at a prearranged date. The local agency pays the dealer interest for the use of the funds. The money "borrowed" on a "reverse repo" can be reinvested in higher yielding instruments.

U.S. Treasury Securities
The highest quality, most liquid debt investments available in the fixed income market-place; unconditionally backed by the "full faith and credit" of the U.S.Government. Treasury bills are short-term instruments (maturity of three months to one year); Treasury notes and bonds are currently issued with maturities of two to ten years.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-338

A RESOLUTION APPROVING A REQUEST FOR PROPSAL TO CONDUCT AN AUDIT OF THE CITY OF MODESTO'S COMMUNITY FACILITIES DISTRICTS, INCLUDING VILLAGE ONE

WHEREAS, on June 11, 2002, the City Council directed the City Manager, and City Clerk and Auditor, to prepare a draft Request for Proposals for an audit of the Community Facilities Districts including Village One, and

WHEREAS, the audit will include both the management of and the financial activities of the Village One Community Facilities District, from the 1990 inception of this development through June 20, 2002,

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby approves the City Manager to issue a Request for Proposals to conduct this audit of Community Facilities Districts.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk and Auditor

(SEAL)
APPROVED AS TO FORM

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-339

A RESOLUTION ISSUING A WRITTEN REPORT DESCRIBING THE MEASURES TAKEN TO ALLEVIATE THE CONDITION WHICH LEAD TO THE ADOPTION OF AN EMERGENCY INTERIM ORDINANCE (ORDINANCE NO. 3263-C.S.) WHICH PROHIBITED NEW DEVELOPMENT APPROVALS ON UNVESTED LAND IN VILLAGE ONE.

WHEREAS, on June 4, 2002, the Modesto City Council adopted an emergency interim ordinance (Ordinance No. 3263-C.S.), and

WHEREAS, Interim Ordinance No. 3263-C.S. was adopted pursuant to the authority conferred upon the City by California Government Code Section 65858, and

WHEREAS, subdivision (d) of California Government Code Section 65858 requires the City Council to issue a written report describing the measures taken to alleviate the condition which lead to the adoption of the interim ordinance ten (10) days prior to the expiration of the interim ordinance, and

WHEREAS, the Community and Economic Development Department of the City of Modesto has prepared such a report for issuance by the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby issues the attached written report which described the measures taken by the City to alleviate the conditions which lead to the adoption of Interim Ordinance No. 3263-C.S.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-340

A RESOLUTION RECOGNIZING BILL CONRAD FOR HIS SERVICE TO THE COUNTRY AND COMMUNITY.

WHEREAS, Vice Mayor Bill Conrad has served his Country in active duty faithfully as Lt. Colonel in the United States Air Force since his recall after September 11, 2001, and

WHEREAS, Vice Mayor Bill Conrad, in doing his duty, missed the birth of his daughter, and

WHEREAS, Vice Mayor Bill Conrad has executed his duties as Modesto City Councilman in the face of all his extra duties in serving not only his community, but also his country,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto City Council gives their best wishes and gratitude to Vice Mayor Bill Conrad for his service to our country and our community and congratulates him on the birth of his daughter.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-341

A RESOLUTION APPROVING THE FINAL MAP AND ACCEPTING PUBLIC IMPROVEMENTS OF THE SIENA PHASE 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, SEQUOIA PROPERTIES, a California Limited Partnership, by Lily Development, Inc., a California Corporation it's General Partner, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 9.91 acres, known as Siena Phase 2, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 15th day of June, 1998, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Siena Phase 2 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, the Engineering and Transportation Director has certified that all public improvements required by the City of Modesto have been completed in said subdivision, to the satisfaction of the Engineering and Transportation Department, and

WHEREAS, Sequoia Properties, a General Partnership, has filed a warranty security in the amount of $187,259 with the acceptance of the Siena Phase I improvements which security is sufficient in amount and time to cover the Phase II improvements also, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements in said tract be accepted; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract and file a Notice of Completion on behalf of

the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and

WHEREAS, the City Clerk is hereby authorized to release the warranty security in the amount of $187,259 to guarantee improvements one year and one day following the effective date of this resolution, provided no claim is made thereon.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By _____
ALISON A. BARRATT-GREEN
Senior Deputy City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-342

A RESOLUTION ACCEPTING AMENDING CONDITION OF APPROVAL NO. 1 IN THE LEGENDS VILLAGE UNIT NO. 5 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, ACCEPTING IMPROVEMENTS IN LEGENDS VILLAGE UNIT NO. 5 SUBDIVISION, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, BILLIE C. HOLLOMAN and JKB HOMES, Corporation, a California Corporation, subdividers of Legends Village Unit No. 5 subdivision, have filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $1,054,381.11 and $527,190.55, respectively, and

WHEREAS, Inland Village, a General Partnership, has filed a warranty bond in the amount of $105,438.11 to guarantee improvements in Legends Village Unit No. 5 subdivision, and

WHEREAS, Condition No. 1 for the approval of this subdivision requires subdivider to construct two 12-foot-wide driving lanes adjacent to Assessors Parcel No. 85-02-46 to connect subdivision to Fine Avenue, and

WHEREAS, the Sylvan School District acquired Assessors Parcel No. 85-02-46 for purposes of constructing an elementary school and submitted engineering plans to construct utilities and a part-width street within the same area, and

WHEREAS, Sylvan School District has entered into a Street Improvement Agreement with the City to dedicate and construct these two 12-foot-wide driving lanes, which agreement provides an appropriate and reliable substitute for said Condition No. 1, and

WHEREAS, Council desires to amend the conditions of approval for said subdivision to delete the requirement for installation of the two 12-foot-wide driving lanes, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, except the part-width street on Sharon Avenue, to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept said improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The conditions of approval for said subdivision are hereby amended to delete the requirement in Condition No. 1 to construct two 12-foot-wide travel lanes adjacent to Assessors Parcel No. 85-02-46 to connect the subdivision to Fine Avenue.
2. The improvements in Legends Village Unit No. 5 Subdivision are hereby accepted.
3. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $1,054,381.11 upon recordation of the notice of completion.
4. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $527,190.55 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.
5. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $105,438.11 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Mayor Sabatino was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-343

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A STREET IMPROVEMENT AGREEMENT WITH THE SYLVAN SCHOOL DISTRICT FOR THE CONSTRUCTION OF A PART-WIDTH STREET ON SHARON AVENUE ADJACENT TO ASSESSORS PARCEL NO. 85-02-46

WHEREAS, the SYLVAN SCHOOL DISTRICT ("DISTRICT") owns real property located at the southwest intersection of Sharon Avenue and Fine Avenue in Modesto, Stanislaus County, California ("Property"); and

WHEREAS, DISTRICT proposes to construct a new elementary school on the Property to serve the surrounding community ("School"); and

WHEREAS, in conjunction with construction of the School, DISTRICT and CITY desire that DISTRICT dedicate to the City of Modesto and improve a part-width street along the north boundary of the Property which will extend Sharon Avenue from the westernmost line of the Property to Fine Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute a Street Improvement Agreement with the Sylvan School District for the dedication and improvement of a part-width street on Sharon Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Mayor Sabatino was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-344

A RESOLUTION APPROVING AN AGREEMENT WITH WEST-YOST ASSOCIATES, FOR THE ENGINEERING PROJECT TITLED "WATER SYSTEM HYDRAULIC MODEL UPDATE AND ASSOCIATED SYSTEM ANALYSIS (STUDY)" AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the Proposals and Interviews for the design of the Water System Hydraulic Model Update and Associated System Analysis (Study) were rated by the selection team, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that West Yost & Associates, be accepted as the most qualified engineering consulting firm, and

WHEREAS, the Engineering & Transportation Director has recommended accepting the proposal of West-Yost Associates, in an amount not to exceed $296,400,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with West Yost & Associates, for Water System Hydraulic Model Update And Associated System Analysis (Study) in an amount not to exceed $296,400.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-345

A RESOLUTION ACCEPTING THE PROJECT TITLED "OAKDALE ROAD AND SCENIC DRIVE IMPROVEMENTS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled "Oakdale Road and Scenic Drive Improvements", has been completed by Fagundes & Son, Inc., in accordance with the contract agreement dated August 1, 2000.

NOW, THEREFORE, BE IT RESOLVED that the "Oakdale Road and Scenic Drive Improvements" project be accepted from said contractor, Fagundes & Son, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $766,160.50 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-346

A RESOLUTION INCREASING THE ENGINEERING AND TRANSPORTATION DIRECTOR'S AUTHORITY LEVEL TO ISSUE CHANGE ORDERS FROM 18% TO 18.3% OF THE ORIGINAL CONTRACT PRICE WITH FAGUNDES & SON, INC. ON THE "OAKDALE ROAD AND SCENIC DRIVE IMPROVEMENTS" PROJECT

WHEREAS, on August 1, 2000, the City Council awarded a $647,938.00 contract to Fagundes & Son, Inc. to make improvements to the Oakdale Road and Scenic Drive intersection, and

WHEREAS, the contractor started work on September 5, 2000, and the work is complete, and

WHEREAS, during the course of construction, the contractor was required to perform additional work to construct the project that was not included in the original contract, and

WHEREAS, Council previously approved an increase in the Director of Engineering and Transportation's change order authority to 18% when the MID irrigation line had to be lined, and

WHEREAS, the total cost of the extra work is $118,222.50, an amount which exceeds the Director's increased authority for the project as established by the Council Resolution No. 2001-15A, and

WHEREAS, the Director currently has authority to approve change orders up to a cumulative amount of 18% of the original contract price, or $116,628.84 in this case,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Engineering and Transportation Director's authority level to issue change orders, from 18% to 18.3% of the original contract price with Fagundes & Son, Inc., for the project entitled "Oakdale Road and Scenic Drive Improvements."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-347

A RESOLUTION ACCEPTING THE PROJECT TITLED "DAVIS PARK TENNIS COURTS RENOVATION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Davis Park Tennis Courts Renovation, has been completed by Southwest Recreational Industries, Inc., in accordance with the contract agreement dated July 24, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Davis Park Tennis Courts Renovation project be accepted from said contractor, Southwest Recreational Industries, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $52,309.56 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-348

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A $1.00 ONE-YEAR LEASE RENEWAL AGREEMENT WITH THE STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR USE OF CITY-OWNED HOME AT 308 LOCUST STREET IN ITS TRANSITIONAL HOUSING PROGRAM

WHEREAS, the City owns a single-family, three bedroom residence at 308 Locust Street, which is being leased to the Stanislaus County Affordable Housing Corporation (STANCO) for $1.00 per year, and

WHEREAS, the existing lease expires on July 13, 2002, and

WHEREAS, STANCO has expressed a desire to renew the lease, and

WHEREAS, City staff does not anticipate needing the home for relocations at this time, and

WHEREAS, the Citizens Housing and Community Development Committee considered this item at its June 21, 2002 meeting, and recommended the lease renewal,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the $1.00 one-year lease renewal agreement between the City of Modesto and the Stanislaus County Affordable Housing Corporation (STANCO) for a City-owned home at 308 Locust Street is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-349

A RESOLUTION AMENDING *CHAPTER 12 OF THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT RECREATION AND NEIGHBORHOOD SERVICES DIVISION MANUAL* TO CHANGE THE TERM OF DEFERRED PAYMENT LOANS UNDER THE EMERGENCY HOME REPAIR PROGRAM/DISABLED ACCESS ASSISTANCE PROGRAM TO TWENTY YEARS.

WHEREAS, the Emergency Home Repair Program/Disabled Access Assistance Program (EHRP/DAAP) provides that households whose income is below 50% of the Median Area Income are eligible for a Deferred Payment Loan, and

WHEREAS, the current term for these loans is fifty (50) years, and

WHEREAS, staff recommends that the term be reduced to twenty (20) years, and

WHEREAS, the Housing Rehabilitation Loan Committee met on June 6, 2002, and recommended setting the term for these loans at twenty (20) years, and

WHEREAS, the Citizens Housing and Community Development Committee met on June 21, 2002, and supported the recommendation to set the term for these loans at twenty (20) years,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby amends *Chapter 12 of the Parks, Recreation and Neighborhoods Department, Recreation and Neighborhood Services Division Manual* to change the term of Deferred Payment Loans under the Emergency Home Repair Program/Disabled Access Assistance Program to 20 years, with review and possible extension to the loan after the 20 years, if the household income continues to be under 50% of the Median Area Income.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-350

A RESOLUTION APPROVING A TWO-YEAR RENEWAL AGREEMENT FOR LOAN SERVICING WITH COMMUNITY REINVESTMENT FUND, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, a Finance Department audit in 1993 recommended outside servicing of the City's loan portfolio, including Community Development Block Grant (CDBG) housing rehabilitation loans, CDBG down payment assistance loans, HOME loans, Redevelopment Agency loans, and Capital Facilities Fees Deferrals, and

WHEREAS, following that recommendation and a subsequent Request for Proposals process, the City entered into a two-year agreement with Community Reinvestment Fund, Inc., (CRF), a nonprofit organization that provides capital to community development lenders in low-to-moderate income communities, and

WHEREAS, said agreement was renewed in 1996, 1998 and 2000, and

WHEREAS, staff is recommending that the agreement be renewed for another two-year period, and

WHEREAS, the Citizens Housing and Community Development Committee met on June 21, 2002, and supported the recommendation for a two-year renewal agreement with Community Reinvestment Fund, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a two-year renewal agreement with Community Reinvestment Inc. for loan servicing of existing and future loans.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the renewal agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Mike Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-351

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH CALLANDER ASSOCIATES LANDSCAPE ARCHITECTURE INC. TO PROVIDE ADDITIONAL SERVICES RELATED TO THE PREPARATION OF THE CONSTRUCTION DOCUMENTS FOR ORVILLE WRIGHT NEIGHBORHOOD PARK AT A COST NOT TO EXCEED $27,881 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO AGREEMENT.

WHEREAS, the City of Modesto owns the 2.9 acre neighborhood park site adjacent to Orville Wright Elementary School and Modesto City School District (District) owns 3.2 acres of open space at Orville Wright Elementary School, and

WHEREAS, the City has an agreement with Callander Associates Landscape Architecture, Inc. to provide a master Plan and Design Development Report for the park and open space of the school site and Construction Documents for the park site, and

WHEREAS, in turn, by Agreement approved by the City Council on June 11, 2002, the District will provide the use of .9 acres of their 3.2 acres for unfenced public use and will allow the development of the rest of the school site's open space to be used by the community after school hours, with the District to fully fund all development that will remain fenced, and

WHEREAS, staff now desires to expand development to include additional hours, which will increase the scope of work required to complete the construction documents, and

WHEREAS, staff is recommending amending the Agreement with Callander Associates Landscape Architecture, Inc. to provide the additional work as described in Exhibit "A", attached hereto and incorporated by reference, and

WHEREAS, the Safety and Communities Committee met on July 1, 2002, and supported staff's recommendation to approve an Amendment to the Agreement with

Callander Associates Landscape Architecture, Inc. to provide the additional work as described in Exhibit "A", at a cost not to exceed $27,881,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an Amendment to Agreement with Callander Associates Landscape Architecture, Inc. to provide additional services related to the preparation of the construction documents for Orville Wright Neighborhood Park at a cost not to exceed $27,881.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the Amendment to Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Callander Associates
Landscape Architecture, Inc.

Via Fax and Mail

June 28, 2002

EXHIBIT A - 1

TO: Nathan Houx
City of Modesto
Parks, Recreation, and Neighborhoods Department
P.O. Box 642
Modesto, CA 95353

Phone: (209) 671-5526
Fax: (209) 579-5077

RE: **ORVILLE WRIGHT NEIGHBORHOOD PARK/additional construction elements and associated services *(Revised)***

The overall project construction estimate is currently at $1,100,000 and includes the street and alleyway improvements. The budget for the first phase of the park alone is estimated at $850,000.

The master plan as submitted to Council in the Design Development Report represents the final proposed park. The following is a list of the site amenities that shall be added to the park beyond the original design program. The estimated construction cost for the entire master plan is $ 1,100,000.00

- Group picnic area with picnic shelter
- Basketball court
- Horseshoe pits
- Water feature at play area
- Skateboard area

Our current agreement only authorizes us to design a project with a more limited scope of site amenities and construction budget from $500,000 to $600,000. We have assessed the amount of additional services to prepare a construction document package for the first phase at the park with a base bid $850,000 and all other items shown in the master plan as add alternates, for a total project budget of $ 1,100,000.

This excluded the improvements to the adjacent school site. This project will require coordination with the Engineering Department for the proposed street and alley improvements.

311 Seventh Avenue
San Mateo, CA 94401-4259
T 650.375.1313
F 650.344.3290

2941 Sunrise Blvd., Suite 130
Rancho Cordova, CA 95742
T 916.631.1312
F 916.635.9153

Landscape Architecture
Urban Design
Land Planning
Park and Recreation Planning
Environmental Planning

Peter Callander, ASLA Principal
Mark Slichter, ASLA, Senior Associate
Brian G. Fletcher, ASLA, Associate
Erik Smith, ASLA, Associate
Benjamin W. Woodside, ASLA, Associate

A. FULL MASTER PLAN CONSTRUCTION DOCUMENTS

CA will provide a construction document package that will include everything as shown in the approved master plan. The authorized construction budget will be at $850,000 for base bid and all other items shown in master plan to be add alternates to bring total construction budget to $1,100,000; we will provide coordination for same and possible phasing as alternates to allow for future funding.

Scope

	P. Callander $160/hr	B. Woodside $95/hr	N. Wu $55/hr	Word Proc. $70/hr	
base sheet preparation	3	38	44	n/a	
75% submittal	8	28	70	3	
100% submittal	3	18	38	3	
Bid set	2	16	31	2	
hours total	16	100	183	8	
subtotals	$2,560	$9,500	$10,075	$560	
total fee					$22,695
structural engineer					$ 2,500
Total					**$ 25,195**

B. PLAYGROUND GRANT

Per your request we have included the fees for helping the City apply for grant money. Included coordinating with equipment manufacturer, writing recommendation letter, and submitting package.

Compensation

Fees

A. Full Master Plan (lump sum) $25,195
B. Playground Grant (lump sum) $790

Reimbursable expenses and surcharges (allowance of) $1,896

Total Estimated Compensation $27,881

© copyrighted 2002 Callander Associates Landscape Architecture, Inc.

Schedule

Callander Associates will proceed to complete the above services within concurrently with completion of our other services pending written authorization to proceed.

Signatures

Landscape Architect

6/28/02

Benjamin W. Woodside, RLA #4590 date
Associate, Callander Associates
Landscape Architecture, Inc.

BWW:bi

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Landscape Architecture, Inc.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-352

A RESOLUTION APPROVING A TWENTY-THREE MONTH AGREEMENT WITH BALAL YASSIN, OWNER OF SMOKY'S PUB AND GRILL, TO PROVIDE FOOD AND BEVERAGE SERVICES AT CREEKSIDE GOLF COURSE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the City currently has an agreement with Mr. Balal Yassin, owner of Smoky's Pub and Grill, for food and beverage service at Creekside Golf Course, and

WHEREAS, said agreement expires on August 15, 2002, and

WHEREAS, staff recommends that the City enter into a new agreement with Mr. Yassin to continue to provide food and beverage service at Creekside Golf Course, and

WHEREAS, staff is recommending that said agreement expire on July 1, 2004 to coincide with expiration of other contracts at the golf courses, and

WHEREAS, the Safety and Communities Committee met on July 1, 2002, and supported the recommendation to enter into a twenty-three month agreement with Balal Yassin to provide food and beverage services at Creekside Golf Course,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a twenty-three month agreement with Mr. Balal Yassin, owner of Smoky's Pub and Grill, to provide food and beverage services at Creekside Golf Course.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-353

A RESOLUTIONAPPROVING A GRANT CONTRACT IN THE AMOUNT OF $310,000.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID CONTRACT FOR THE "PROGRAM ON DOMESTIC PREPAREDNESS", A RECENTLY AWARDED GRANT PROGRAM FROM THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAM ON DOMESTIC PREPAREDNESS AS SPECIFIED IN THE NUNN-LUGAR-DOMENICI LEGISLATION.

WHEREAS, the City of Modesto Fire Department's grant application, the Nunn-Lugar-Domenici (NLD) "Domestic Preparedness Program (DDP)", was selected in a competitive solicitation by the Department of Justice, Office of Justice Programs on Domestic Preparedness, and

WHEREAS, these funds represent the equipment component of a broader initiative designed to enhance the response capability of the nation's 120 most populous cities to respond to acts of terrorism involving the use of weapons of mass destruction (WMD), and

WHEREAS, the City has been awarded a one-time grant of $310,000.00 for the acquisition of training equipment, training and administrative costs related to Weapons of Mass Destruction (WMD) domestic preparedness and response, and

WHEREAS, the Public Safety Committee met on April 24, 2001, and recommended that the Council support this action,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the grant contract for the Nunn-Lugar-Dominici Domestic Preparedness Program.

BE IT FURTHER RESOLVED that the City Manager, or his designee is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-354

A RESOLUTION AMENDING THE FISCAL YEAR 2002/03 ANNUAL BUDGET ESTIMATING REVENUES AND APPROPRIATING FUNDS.

WHEREAS, the City desires to accept the Nunn-Lugar-Domenici "Program on Domestic Preparedness" grant contract in the amount of $310,000.00, and

WHEREAS, these funds represent the equipment component of a broader initiative designed to enhance the response capability of the nation's 120 most populous cities to respond to acts of terrorism involving the use of weapons of mass destruction (WMD), and

WHEREAS, the Public Safety Committee met on April 24, 2001, and recommended that the Council support this action,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council approves the amendment of the Fiscal Year 2002/03 annual budget estimating revenues and appropriating funds as follows:

	Funds Provided From	
	Account Number	Account Name
Total Est. Cost: $310,000.00	0410-180-1850-0209	Training
	0410-180-1850-5402	Fire Equipment
	0410-180-1850-0358	Fire Equipment

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM
By: _____
MICHAEL D MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-355

A RESOLUTION WAIVING FORMAL BID PROCEDURES BY FIVE (5) AFFIRMATIVE VOTES AND AUTHORIZING THE AWARD OF EQUIPMENT RENTAL SERVICES TO HERTZ EQUIPMENT, HOLT OF CALIFORNIA, NATIONS RENTAL, RENTAL SERVICES CORPORATION, AND UNITED RENTALS &SALES FOR AN ANNUAL ESTIMATED COST OF $350,000.00, WITH TWO (2), ONE-YEAR EXTENSION OPTIONS

WHEREAS, the various Divisions within the Operations and Maintenance Department require the use of rental equipment for completing small and large projects, and

WHEREAS, rental equipment is used to supplement the City's equipment pool, and

WHEREAS, rental equipment is primarily used by Primary and Secondary Water Quality Control, Water and Parks Division, and

WHEREAS, the estimated annual cost for equipment rental services citywide is $350,000.00, and

WHEREAS, some examples of rental equipment uses are: trenches for irrigation systems, water trucks for dust control, forklifts for loading and unloading equipment and supplies, and

WHEREAS, the Purchasing Division solicited informal bids for rental equipment based on the requesting divisions' annual needs, and

WHEREAS, out of seven (7) vendors solicited, five (5) responded to the informal Request for Proposal (RFP),

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby waives formal bidding procedures by five (5) affirmative votes, and

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby awards the bid for rental equipment for FY 2002-2003 to Hertz Equipment, Holt of California, Nations Rental, Rental Services Corporation, and United Rentals & Sales for an approximate annual cost of $350,000.00, with two, one-year contract extension options.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to issue pricing agreements for a period of one year to Hertz Equipment, Holt of California, Nations Rental, Rental Services Corporation, and United Rentals & Sales for equipment rental services with the option of two, one-year contract extensions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-356

A RESOLUTION AUTHORIZING THE CITY MANAGER TO TAKE ALL APPROPRIATE ACTIONS TO COMPLETE THE SALE OF 308 RUBERTO STREET, WHICH HAS BEEN DECLARED AS EXCESS LAND TO THE CITY'S NEEDS PURSUANT TO MODESTO CITY COUNCIL RESOLUTION NO. 2001-557, INCLUDING EXECUTION OF ALL NECESSARY DOCUMENTS.

WHEREAS, pursuant to City of Modesto City Council Resolution No. 2001-557, the City of Modesto has declared the parcel located at 308 Ruberto Street (Assessor's Parcel No. 102-0125) to be excess land to the City's needs, which parcel is depicted in **"EXHIBIT A"** which is attached hereto and made a part herein by this reference, and

WHEREAS, if the City retains this parcel, it will need to be maintained by the City at City expense, and

WHEREAS, the Council has directed staff to sell said parcel on the open market and to return all proceeds from said parcel sale to the City's Housing Rehabilitation Revolving Loan Fund, and

WHEREAS, the Citizens Housing & Community Development Committee reviewed and supported this recommendation at its meeting on September 28, 2001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to take appropriate actions and execute all required documents to complete the sale and transfer of said parcel to qualified buyers in accordance with the Government Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

Approved as to Form

By: Michael D. Milich
MICHAEL D. MILICH, City Attorney

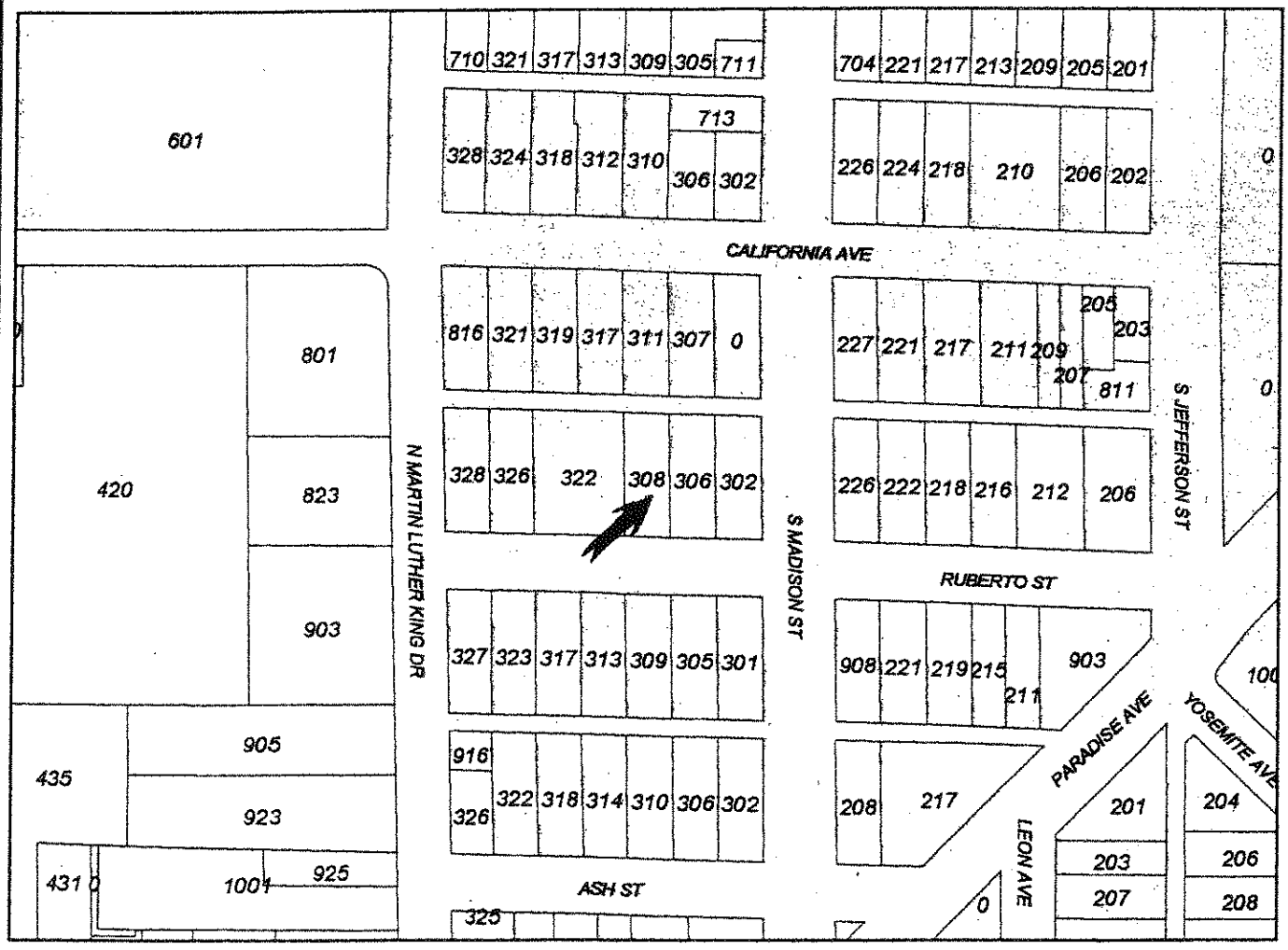
EXHIBIT A

Property Characteristics

Owner Name: Modesto City Of
Owner Mailing Address: P O Box 642
Modesto, Ca 95353
Property Address: 308 Ruberto St
Modesto, Ca 95351
Assessor Parcel Number: 102-01-25
Property Square Footage: 7051.5

General Plan Designation: MU
Zoning / PD Zoning: R-2
Fema Flood Zone / Panel: Out / 0603870015c
Traffic Analysis Zone: 344
Redevelopment Area: No
Police Beat / Reporting District: 33 / M427
Police Sub-area: Sw Area
Fire Station Area / District Zone: 2 / M109
Community Park District: Near West Side
Census Tract: 17

Source of Data: Ownership, Address, and Square Footage data is provided by the Stanislaus County Assessor's Office
All other data is maintained by the City of Modesto.



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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-357

A RESOLUTION URGING THE STANISLAUS COUNTY BOARD OF SUPERVISORS TO SUBMIT AN ADVISORY MEASURE TO THE ELECTORATE IN STANISLAUS COUNTY AT THE NOVEMBER 5, 2002, ELECTION.

WHEREAS, the Modesto City Council believes that it would be appropriate for the electorate of Stanislaus County to advise the Stanislaus County Board of Supervisors on the question of how growth is to occur in Stanislaus County, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby urges the Stanislaus County Board of Supervisors to submit the following question to the electorate in Stanislaus County at the November 5, 2002, election:

ADVISORY VOTE ONLY

In order to minimize sprawl, reduce transportation costs, maintain farmland, and secure the fees necessary to provide for the cost of needed services, shall the Stanislaus County Board of Supervisors direct urban development into the incorporated cities of Stanislaus County?

The City Clerk is directed to forward a certified copy of this resolution to the Stanislaus County Board of Supervisors.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Conrad
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-358

A RESOLUTION APPROVING STRATEGIC PLAN BASED PEFORMANCE MEASURES FOR THE FIRE DEPARTMENT AND QUARTERLY REPORTING METHODOLOGY FOR ALL CITY DEPARTMENTS

WHEREAS, on October 23, 2001, the Modesto City Council adopted the City's Vision and *Strategic Plan*, and

WHEREAS, at the time of adoption of the *Strategic Plan* and Vision, Council directed staff to develop Performance Measures to monitor *Strategic Plan* progress, and

WHEREAS, historically the City has reported on Performance Measures in conjunction with the budget process and there is no direct relationship between the historic Performance Measures and the *Strategic Plan*/Vision, and

WHEREAS, the Fire Department was selected as the pilot department for development of *Strategic Plan*-Based Performance Measures, and

WHEREAS, the proposed pilot measures reflect *Strategic Plan* goals and Vision, are outcome based, include targets, benchmark against other jurisdictions, and include an interpretation of trends and spikes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fire Department *Strategic Plan*-Based Performance Measures, attached hereto as Exhibit A, are hereby approved.

BE IT FURTHER RESOLVED that the Performance Measures be reported upon to the City Council on a quarterly basis using the methodology established in **Exhibit A**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

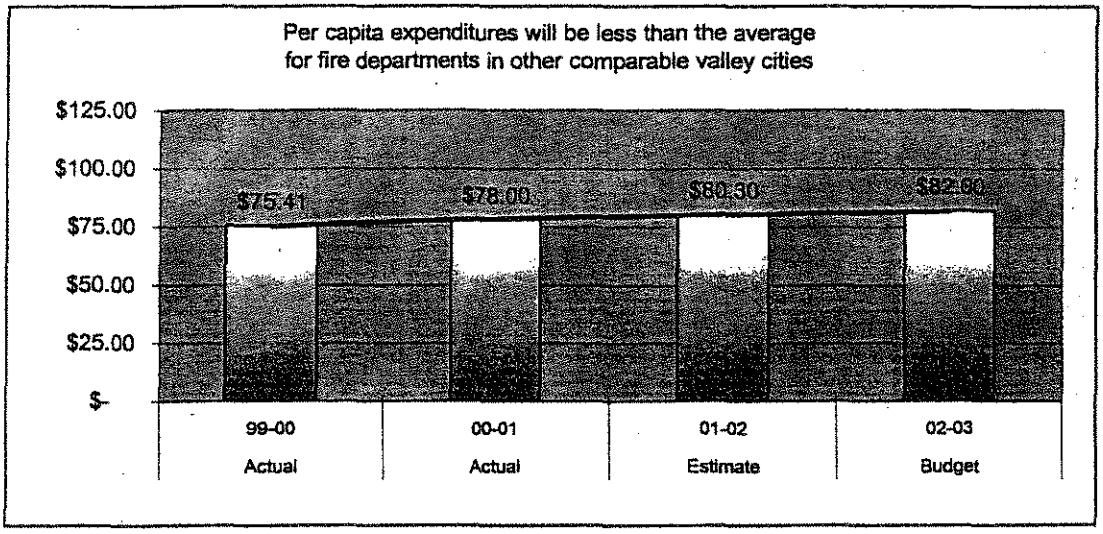
Attachment 1

Existing Fire Performance Measures
Draft 2002-2003 Budget

FIRE DEPARTMENT PERFORMANCE MEASURES

City of Modesto

Type	Measure	Actual 99-00	Actual 00-01	Estimate 01-02	Budget 02-03
Input					
	FTE Dedicated to Support Services	8	8	9	9
	FTE Dedicated to Emergency Preparedness	1	1	1	1
	Population in Service Area (Modesto & Contracted Areas)	189,000	199,000	199,000	208,750
	# of Fire Stations	10	10	10	10
Output					
	# of Apparatus Maintained	21	21	21	21
	# of Detail Pages and Maps Maintained	72 Sets	72 Sets	72 Sets	72 sets
	# of SEMS City Tabletop Training	1	2	2	2
	# of Full Scale Drills/Activations	1	1	2	2
Outcome					
	Per capita expenditures will be less than the average for fire departments in other comparable valley cities (Stockton, Fresno, Bakersfield, Sacramento) ($92 per capita FY 00-01)	$ 75.41	$ 78.00	$ 80.30	$ 82.00

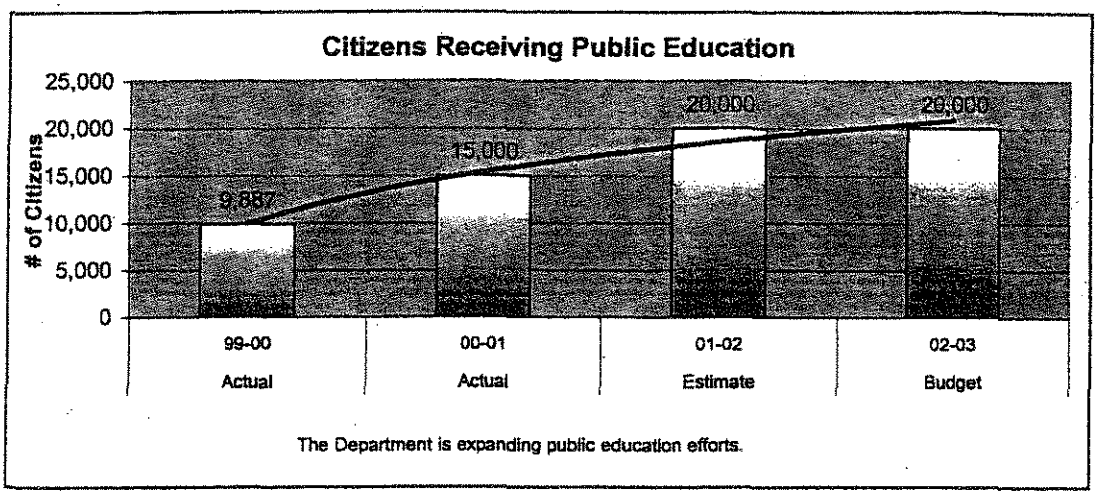


	Is Disaster Program Current and Updated?	No	Yes	Yes	Yes
	Fully Functional City Emergency Operations Center	Yes	Yes	Yes	Yes
Input					
	FTE Dedicated to Fire Prevention Bureau	8	8	8	8
	Population in Service Area (Modesto & Contracted Areas)	189,000	199,00	199,000	208,750
	# of Commercial Businesses on FPB Scheduled Inspection List	1254	1254	1254	1254
Output					
	# of Public Education Programs	78	90	100	100
	# of Citizens Receiving Public Education	**9,887**	**15,000**	**20,000**	**20,000**

FIRE DEPARTMENT PERFORMANCE MEASURES

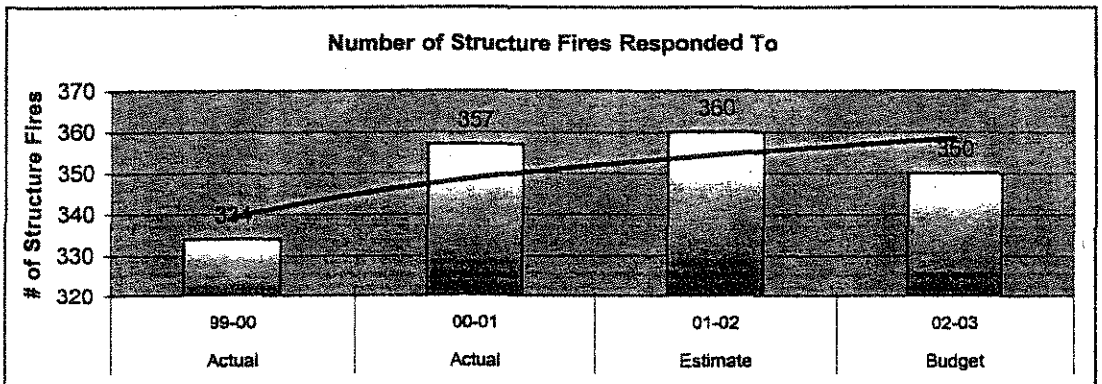
City of Modesto

Type	Measure	Actual 99-00	Actual 00-01	Estimate 01-02	Budget 02-03



The Department is expanding public education efforts.

	# of Commercial Business Activities	2,037	2,023	1,254	1,254
	# of Plans Reviewed	597	839	700	700
	# of Fire Investigations	121	135	130	135
	# of Fire Incidents	1,182	1,100	1,160	1,200
	# of Arson Fires	103	96	103	105
	# of Structure Fires	334	357	360	350
	# of Vegetation Fires	204	190	190	200
Outcome					
	Non-Structure Fire Incidents per 1,000 Population	4.3	3.8	3.8	3.8
	Arson Fire Incidents per 1,000 Population	0.11	0.52	0.48	0.52
	% of Fires Caused by Arson	0.08	0.09	0.09	0.09
	Total Civilian Deaths in Structure Fires	4	3	<3	<3
	Total Civilian Injuries in Structure Fires	11	20	<15	<15
Input					
	Sworn FTE dedicated to Fire Suppression	142	142	142	139
	Population in Service Area (Modesto & Contracted Areas)	199,000	199,000	199,000	208,750
	Square Miles Served (Modesto & Contracted Areas)	35	35	35	36
	# of Businesses on Fire Suppression Scheduled Inspection List	2,240	2,240	2,240	3,240
Output					
	# of Fire Incidents Responded to	1,182	1,100	1,150	1,200
	# of Structure Fires Responded To	**334**	**357**	**360**	**350**

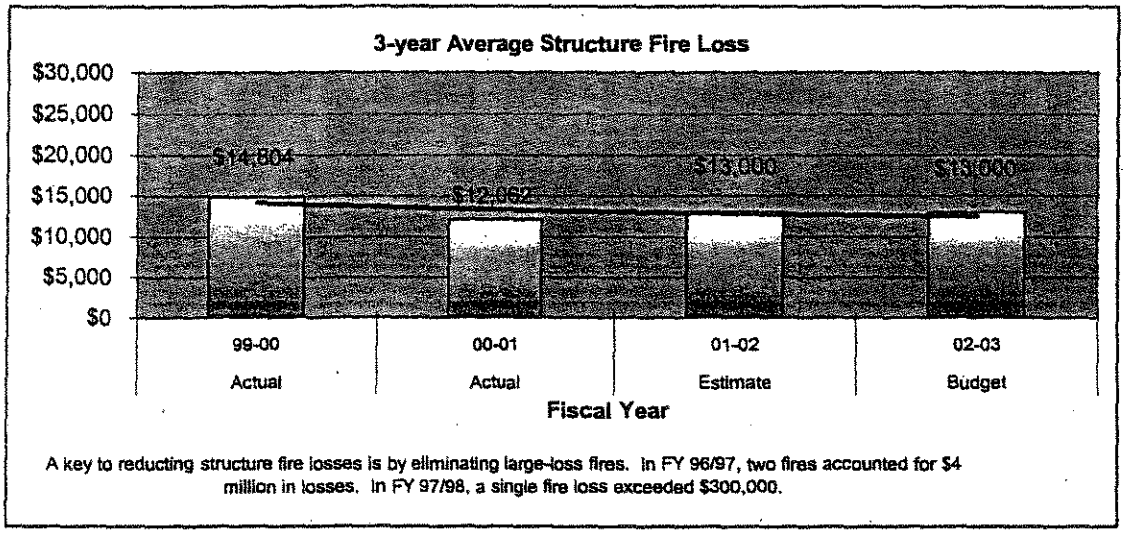


In spite of population growth, the department hopes to stabilize or reduce the total number of structure fires through effective fire prevention.

FIRE DEPARTMENT PERFORMANCE MEASURES

City of Modesto

Type	Measure	Actual 99-00	Actual 00-01	Estimate 01-02	Budget 02-03
	# of EMS Incidents Responded to	9,396	9,150	9,400	10,500
	# of Hazardous Material Incidents Responded to	30	50	40	40
	# of Other Incidents Responded to	5,319	5,100	5,100	6,050
	# of EMS Personnel Trained in Defibrillator Use	135	136	136	136
	# of EMTs	125	121	125	129
	# of Training Hours	16,713	22,667	20,000	20,000
	Total Fire Incidents per sworn FTE Staff	8.4	8.2	8.2	10.3
	Minimum/Constant Fixed Post Sworn Staffing Per 100,000 Population	21	20	20	20
Outcome					
	Total Residential Dwelling Structure Fire Incidents Per 1,000	1.38	1.57	1.25	1.25
	Average Time from Dispatch to Arrival for Emergency Calls	4.47	4.6	4.6	4.7
	Firefighter Injuries with Incurred Cost Per 100 Structure Fires	18	17	17	17
	Firefighter Injuries with Incurred Cost Per 100 Sworn FTEs	42	42	43	43
Quality					
	Achieve a civilian fire fatality rate (fatalities/1,000fires) that is less than 90% of the California average (target < 2.14 fatalities)	3.38	2.4	<2.14	<2.14
	Achieve a 3-year average structure fire loss (dollar loss/fire) that is less than 70% of the California average (target <$17,031 per fire)	**$14,804**	**$12,062**	**$ 13,000**	**$ 13,000**



A key to reducting structure fire losses is by eliminating large-loss fires. In FY 96/97, two fires accounted for $4 million in losses. In FY 97/98, a single fire loss exceeded $300,000.

	3-year average # of structure fires does not exceed 2 per 1,000 residents	363	357	<400	<400
	3-year average # of vegetation fires does not exceed 1 per 1,000 residents	207	191	<200	<200
	Response time to fires and other emergencies is 6 minutes or less 90% of the time	93%	91%	>90%	>90%
	Effective Response Force arrival time to Structure Fire is 10 minutes or less 90% of the time	N/A	N/A	>90%	>90%
	Defibrillation save rate meets or exceeds national average of 14%	36%	30%	>14%	>14%
	Sworn Employee injury rate is less that 40 injuries/100 employees	38	41	<40	<40
	Annual incurred cost for injuries will be less than $2,500 per sworn employee	$1,435	$2,281	<$2,500	<$2,500
	90% of Customers rate Service as Excellent	99%	99%	99%	99%

Attachment 2

Proposed Fire Department Performance Measures

Fire Department

Mission:

To provide effective and efficient fire and life safety protection to the community through control of hostile fires, fire prevention services, emergency medical services, emergency preparedness, and mitigation of hazardous material incidents. This commitment is intended to safeguard the general economy and welfare of Modesto.

Strategic Plan Goals:

H.I. Identify opportunities for collaborative delivery of police, fire, recreation and neighborhood services.

H.II.A. Our actions develop and reinforce the sense of community and neighborhood sense of identity.

H.II.K. Our neighborhoods are safe places to live, work, play and visit.

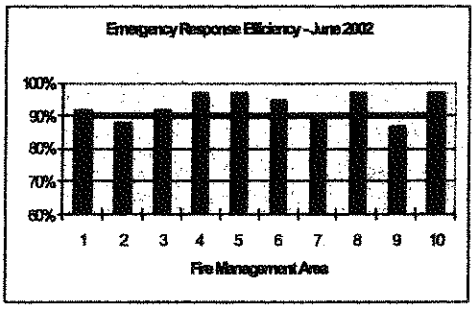
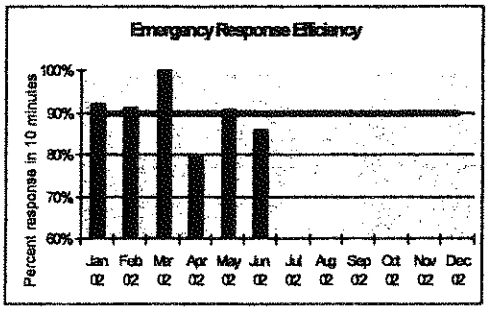
H.III. Emergency services are delivered quickly, safely and responsively.

H.IV. Collaborate for health services delivery with our partners, such as the County.

H.V. Actions support the safe and healthy, drug free, gang free, development of young people.

C.IV. Protect and preserve the City's historical assets.

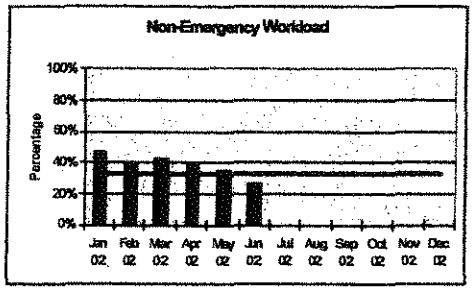
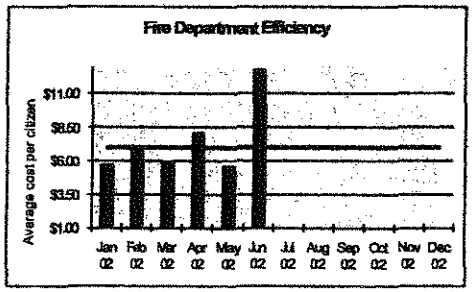
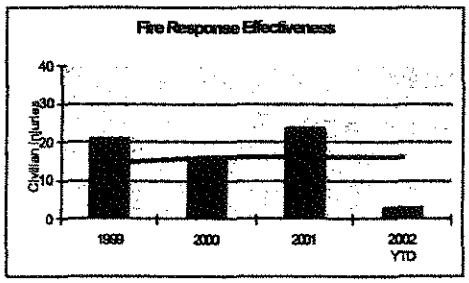
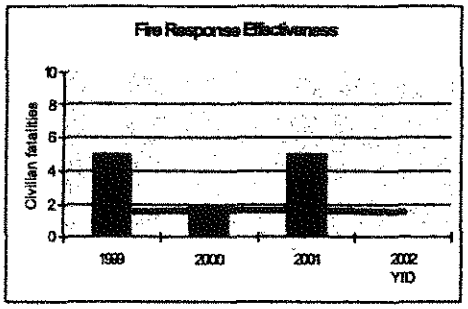
Key Efficiency Measures:

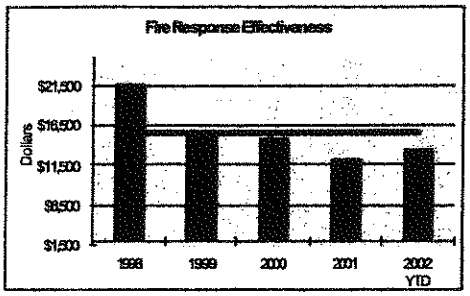
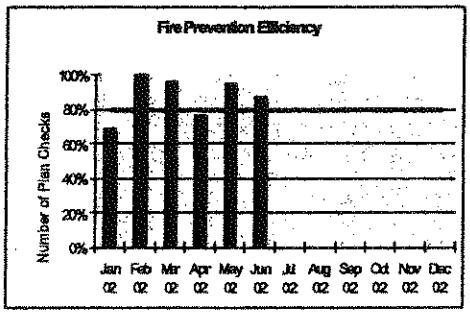
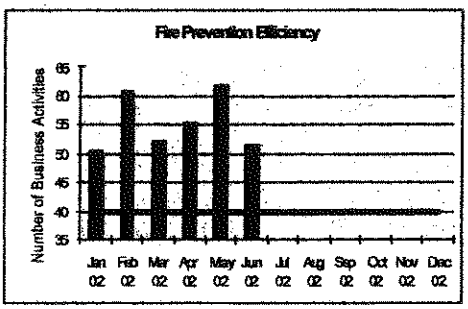
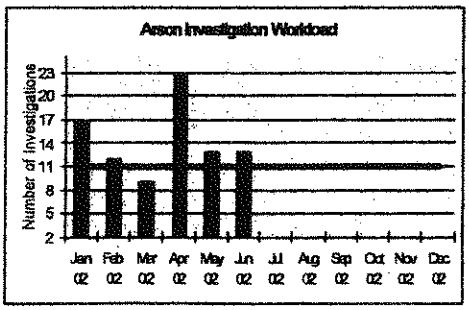
Performance Measure	Monthly Results	2002-2003 Target	Comments
FD-1. EMERGENCY RESPONSE EFFEICIENCY **What:** Percentage of calls (fire and EMS) by Fire Management Area where **initial unit** arrives at the incident **within six minutes**, by station. **Why:** To measure response time in different parts of the City and identify trends and problems. **Strategic Plan Goals:** H.III., C.IV.		90% of emergency calls are responded to within six minutes of dispatch.	The department does meet the 6 minute standard for emergency calls on a consistent basis. During the current period, station 2 (Engine 22) experienced high call volumes, and several responses in this area were handled by another fire unit. A six minute response is not likely when units from another station respond.
FD-2. EMERGENCY RESPONSE EFFICIENCY **What:** Percentage of structure fires where **effective response force** arrives **within ten minutes.** **Why:** The effective response force is needed to initiate an effective attack on active, developing structure fires. **Strategic Plan Goals:** H.III., C.IV.		Effective response force arrives at working structure fires within 10 minutes of dispatch 90% of the time.	The department meets the standard most months. With the reduction of one battalion chief, this will be increasingly difficult. (May--11 out of 12, 90.9%. June--12 out of 14, 85.27%)

Healthy & Safe Communities

Quarterly Progress Report

Modesto: A healthy, safe, attractive, economically vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engaged in the practice of citizenship with governance based on the principle of stewardship.

Performance Measure	Monthly Results	2002-2003 Target	Comments
FD-3. NON-EMERGENCY WORKLOAD **What:** Percentage of calls that are non-emergency calls. **Why:** Measures the impact of non-emergency calls on total Fire Department workload. **Strategic Plan Goals:** H.II.K., H.III.		Non-emergency calls comprise 33% or less of all Fire Department calls for service.	The number continues to fall due to a conscious effort to ensure response criteria is followed at the time of dispatch. This process continues, and new response procedures are being evaluated.
FD-4. FIRE DEPARTMENT EFFICIENCY **What:** Cost per citizen for all Fire Department services. **Why:** Compares the relative costs of fire services for Modesto versus that of other similar Central Valley cities. **Strategic Plan Goal:** H.III.		City of Modesto average is less than Central Valley average of $7.47 per month ($92/year) for cities of Fresno, Stockton, Bakersfield, Visalia and Sacramento	Costs will go up beginning in June and will approximate the average of the other valley cities used to compare with.
FD-5. FIRE RESPONSE EFFECTIVENESS **What:** Number of civilian injures. **Why:** Compares the effectiveness of fire prevention and fire response in minimizing civilian injuries. **Strategic Plan Goal:** H.II.K.		City of Modesto averages is less than state of California average of 16 injuries per 100 structure fires.	This target was not met last year. We continue to see positive outcomes in 2002. Public education is a priority and seems to be having a positive impact.
FD-6. FIRE RESPONSE EFFECTIVENESS **What:** Number of civilian fatalities, per structure fires. **Why:** Compares the effectiveness of fire prevention and fire response in preventing civilian fatalities. **Strategic Plan Goal:** H.II.K.		City of Modesto average is less than California average of 2 fatalities per 100 structure fires.	We are pleased to report that we are still without a civilian fatality in 2002. The Fire Prevention Bureau continues to coordinate increased public education efforts.

Performance Measure	Monthly Results	2002-2003 Target	Comments
FD-7. FIRE RESPONSE EFFECTIVENESS **What:** Average dollar loss per structure fire. **Why:** Compares our effectiveness at minimizing dollar loss from structure fires to the average in California. **Strategic Plan Goals:** H.II.K.		City of Modesto average is less than California state average of $15,683 per structure fire.	Goal is being met through the first six months of 2002 and approximates the average over the last three years.
FD-8. FIRE PREVENTION EFFICIENCY **What:** Percent of plan checks completed by Fire Prevention personnel within 2 weeks of submittal. **Why:** Plan check requests are closely monitored. **Strategic Plan Goal:** H.II.K.		Fire Prevention will turn around 80% of all plan checks within 2 weeks of submittal date.	Plan check volume has been higher than forecasted this quarter. This has resulted in the part time plan checker needing to work additional hours. In April, the Fire Marshal resigned and we are revising workload priorities in order to complete plan checks on schedule.
FD-9. FIRE PREVENTION EFFICIENCY **What:** Number of business activities performed by the Fire Prevention personnel per person per month. **Why:** Inspections are an important way to eliminate fire hazards. **Strategic Plan Goal:** H.II.K.		Monthly target is 40 activities per inspector.	We have met or exceeded the target each month of this quarter. The Fire Prevention Bureau is currently understaffed by two positions. Goals will be modified as staff is added.
FD-10. ARSON INVESTIGATION EFFICIENCY **What:** Number of fire scene investigations performed by investigators. **Why:** To evaluate workload and protocols for initiating formal fire scene investigations. **Strategic Plan Goal:** H.II.K.		Historical information indicates that an average of 11 fires per month require special investigation. Ongoing variance is an indicator of changes in fire patterns that may be important to the community.	Investigators continue to carry a heavy workload. It is important that sufficient time is available to pursue arsonists and participate in other fire prevention and arson reduction activities.

Healthy & Safe Communities

Quarterly Progress Report

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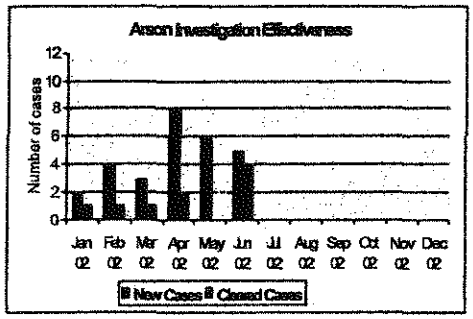
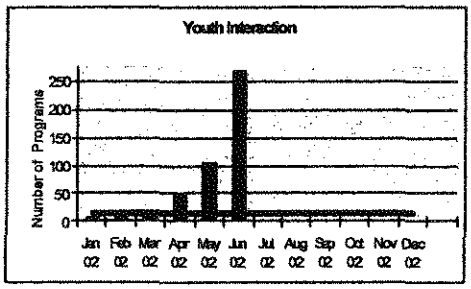
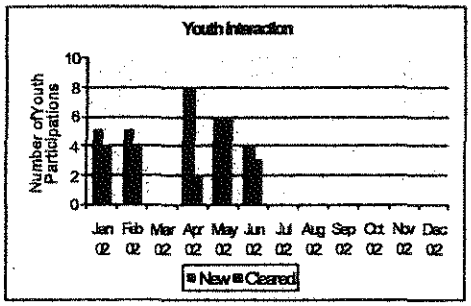
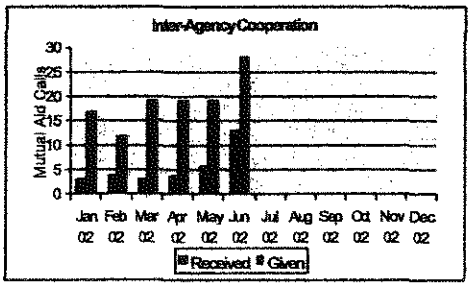
Performance Measure	Monthly Results	2002-2003 Target	Comments
FD-11. ARSON INVESTIGATION EFFECTIVENESS **What:** Number of new arson cases compared to number of arson cases cleared where the perpetrator has been identified. **Why:** Illustrates arson investigation effectiveness. **Strategic Plan Goals:** H.II.K.		To identify the perpetrator and clear 20% of suspected arsons. This is more aggressive than the 15% national average.	Prosecuting arsonists is the strongest deterrent. During the first quarter, the goal was achieved, as 9 arson cases were cleared and 28 cases opened.
FD-12. YOUTH INTERACTION **What:** Number of community education programs performed by the fire department. **Why:** Measures the Fire Department's commitment and contribution toward developing our City's youth. **Strategic Plan Goal:** H.II.A, H.V.		Target is 10 education programs per month, which equates to 1 program per station. This varies according to time of the year, but will average 30 programs per quarter.	We have roughly met our target each month this quarter. Activity is expected to increase during Spring and Summer.
FD-13 YOUTH INTERACTION **What:** Percent of youthful firesetters completing the fire Department intervention program. **Why:** Illustrates Fire Department ability to identify Youthful firesetters and to provide education designed to change behavior. **Strategic Plan goals:** H.I., H.V.		Ninety percent (90%) of youths determined to be responsible for fire(s) are referred to and complete the Modesto Fire Department Youthful firesetter Intervention Program.	We have met our 90% target during the first five months of the year. Several children who began the program in June will complete it in July.
FD-14. INTER-AGENCY COOPERATION **What:** Number of mutual aid calls given and received per month. **Why:** Measures impact of other fire districts in our ability to deliver effective fire services.		To roughly equalize the value of automatic/mutual aid that is provided and received.	Cooperation between departments is essential. The department continues to assist other departments more frequently than we receive assistance. We are evaluating and modifying agreements in an attempt to equalize the value of what we provide and what we receive.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-359

A RESOLUTION APPROVING AN AGREEMENT WITH STANISLAUS COUNTY OFFICE OF EDUCATION IN THE SUM OF $1.00 PER YEAR FOR AN INDENTURE OF LEASE OF A PORTION OF THE BASEMENT SPACE LOCATED AT 1100 H STREET, MODESTO, CALIFORNIA AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME.

WHEREAS, the City and Stanislaus County Office of Education (SCOE), in January 2002, began to examine the feasibility of pursuing the use of joint facilities for a Cable Television Master Control Room which operates city-designated cable television channels on the AT&T Broadband Cable System for Public-Education-Government (PEG) purposes, and

WHEREAS, the City and SCOE have been engaged in discussions since January of this year regarding the relocation of the Cable Television Master Control Room, currently located at AT&T Broadband Cable, 1639 Princeton Avenue, to a designated three-room area in the basement of the SCOE building, located at 1100 H Street, Modesto, California, and

WHEREAS, in February of this year, SCOE considered and conceptually approved the exchange of certain designated facilities and expressed a desire to work in collaboration with the City to assist in its relocation from 1639 Princeton Avenue to the basement of the SCOE building located at 1100 H Street, Modesto, California, and

WHEREAS, the City and SCOE agree on the following terms for an Indenture of Lease for facilities located at 1100 H Street, Modesto, California, which are owned by SCOE, and will be leased to the City for One Dollar ($1.00) per month:

1. Rental fee for the lease of the leased premises (1,022 square feet) shall be One and no/100ths Dollars ($1.00) payable on August 6th, 2002, payable each year in lawful money of the United States to SCOE'S Director of Finance, 1100 H Street, Modesto, California.
2. Utility services including electricity, telephone, heating/air conditioning, and custodial.
3. Data lines and Internet access in two of the three rooms designated for use of the Cable Television Master Control Room.
4. Security services during regular business hours of SCOE'S operation.
5. Two (2) parking passes in the SCOE parking lot.
6. Access to the Cable Television Master Control Room 24 hours per day/365 days per year.
7. Access to connect the equipment of the Cable Television Master Control Room to the LESSOR'S building Emergency Circuit System and HVAC System.
8. Permission to the CITY, and at the CITY'S expense, to modify the designated area for renovation of the Cable Television Master Control Room. Maintenance and repair of said facility shall be at the expense of the CITY except as otherwise provided in this agreement. SCOE will have final approval on construction/renovation plans.
9. The parties acknowledge and agree that all of the actions contemplated by this agreement are subject to and contingent upon the CITY providing SCOE with countywide broadcasting services under the Modesto Municipal Code 11-4.23 Interconnection ordinance.
10. The parties acknowledge and agree that SCOE will have weighted preference in designated time blocks for program scheduling on the Education and/or Public Access channel(s).
11. City may set reasonable fees to "users" of the Cable Television Master Control Room to offset maintenance and staffing costs of the operation. The term "users" relates to those agencies receiving broadcasting services from the Cable Television Master Control Room. This is not to be

construed that any persons other than qualified staff, as hired by the City, will be allowed access to the Cable Television Master Control Room, without prior consent from the City Manager or his designee. It is mutually agreed upon that SCOE is exempt from paying costs related to the maintenance and staffing of the operation.

12. City agrees to assume any and all liability for personal injuries and property damage and loss arising out of the use of said facility during the periods of City's possession. City further agrees to save, indemnify and hold SCOE harmless from any and all claims, whether groundless or otherwise, arising out of City's use of said facility during the periods of City's possession, and

WHEREAS, the City will reimburse to SCOE renovation of said facility based on the approval of terms mutually agreed upon by the City and SCOE. SCOE will have final approval on construction/renovation plans, and

WHEREAS, the estimated cost of renovating said facility by the City will be up to $12,000, and

WHEREAS, the City and SCOE believe that by working together in a cooperative effort both entities will be able to better meet their respective needs for facility space in a way, which will result in increased operational efficiency thereby better serving the public.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a lease agreement with Stanislaus County Office of Education in the sum of $1.00 per year commencing on August 6, 2002.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the lease agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: _____
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-360

A RESOLUTION APPROVING A TWO-YEAR AGREEMENT WITH FINAL CUT MEDIA IN THE SUM OF $160,000 FOR MANAGEMENT OF A PUBLIC, EDUCATION, AND GOVERNMENT (PEG) TELEVISION MASTER CONTROL ROOM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME.

WHEREAS, Final Cut Media will provide management of the daily operations of a Public, Education, and Government (PEG) television master control room facility including scheduling of multi-media programming on between three (3) and twenty (20) channels, plus web casting via the Internet, and

WHEREAS, Final Cut Media will provide production and management of Public, Education and Government Video Bulletin Boards, which appear on each channel in between taped or live programming, and

WHEREAS, Final Cut Media will provide a camera crew to produce, broadcast and/or video tape the following meetings originating from the basement chambers of Tenth Street Place, Modesto Centre Plaza, Modesto Police Department and/or the Stanislaus County Office of Education:

a. All regularly or specially scheduled Modesto City Council Meetings
b. All regularly or specially scheduled Modesto City Council Committee Meetings (upon request)
c. All regularly or specially scheduled Modesto City Planning Commission Meetings
d. Specially scheduled City of Modesto Department and/or Citizen Advisory Committee Meetings (upon request and not to exceed 16 per year).
e. All regularly or specially scheduled Stanislaus County Board of Supervisors Meetings

f. All regularly or specially scheduled Stanislaus County Planning Commission Meetings

g. Specially scheduled Stanislaus County Department Meetings (upon request and not to exceed 6 per year)

h. Regularly scheduled "Making the Grade" programs of the Stanislaus County Office of Education

i. Specially scheduled Stanislaus County Office of Education meetings (upon request and not to exceed 40 per year)

j. Annual Downtown City of Modesto Christmas Parade; and

WHEREAS, Final Cut Media will duplicate tapes of all Modesto City Council and Stanislaus County Board of Supervisors meetings, providing copies of said meetings to the City of Modesto Clerk's Office and the Stanislaus County Clerk of the Board's Office and storing master copies of all meetings in the Master Control Room library, and

WHEREAS, Final Cut Media will provide staff possessing a qualified skill-level and working knowledge of operating and maintaining broadcast equipment for the transmission of Public Access, Education and Government programming and answer any technical questions regarding the equipment, and

WHEREAS, Final Cut Media agrees to maintain the Regular Hours of Operation as:

a. Monday through Friday 8 am – 5 pm for Tape Drop-Off for Public

b. Monday through Friday 10 am – 7 pm for Master Control Room Operation

c. Monday through Saturday as needed for Education/Government programming

d. Saturday and Sunday – Open only for Master Control Room Operation

e. On-Call – 24 hours per day and 365 days per year to oversee the use of the facility and provide technical management as needed, and

WHEREAS, Final Cut Media will work with City staff and contracted broadcast engineers to ensure the proper installation of new equipment and inherited equipment from AT&T Broadband at the new Master Control Room location of 1100 H Street, Modesto, California, and

WHEREAS, Final Cut Media will provide ongoing recommendations to City staff for the effective management of the Master Control Room facility, and

WHEREAS, Final Cut Media agrees that any commercial use of equipment is prohibited, and

WHEREAS, Final Cut Media may not rent city-owned equipment to other parties and may not profit from programs produced with City equipment and facilities, and

WHEREAS, Final Cut Media agrees that all access equipment and facility resources must be used to produce programs for broadcasting on the Public-Education-Government access channels, and

WHEREAS, Final Cut Media must adhere to current and future policies and procedures related to Public-Education-Government Programming as established by the City of Modesto, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts approves a two-year agreement with FINAL CUT MEDIA in the total sum of $160,000 per year for management of the daily operations of a Public, Education, and Government (PEG) television master control room.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating, O'Bryant Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-361

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 ANNUAL BUDGET TO APPROPRIATE FUNDS TO THE CITY'S COMMUNICATIONS & MARKETING DIVISION BUDGET FOR PUBLIC-EDUCATION-GOVERNMENT (PEG) ACCESS EQUIPMENT.

WHEREAS, Council approved a motion at its June 25, 2002 meeting to appropriate funds for the purchase of new equipment for the Public-Education-Government (PEG) Access Master Control Room relocated to the Stanislaus County Office of Education building at 1100 H Street, Modesto, California, and

WHEREAS, the recommended equipment will require funds consisting of one-time costs of $108,000, and

WHEREAS, the funding exists in reserve as part of the Cable Franchise settlement received from Cable One, Inc. in 2001, as part of the Cable Franchise transfer from Cable One, Inc. to AT&T Broadband.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2001-02 Annual Budget is hereby amended to increase the 2001-02 Communications & Marketing Operating Budget by $108,000, as follows:

Transfer from: Acct#0100-510-9510-0210 ($108,000)

Transfer to: Acct#0100-020-0202-5400 $108,000

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Frohman, Jackman , Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-362

A RESOLUTION AMENDING THE FISCAL YEAR 2002-03 ANNUAL BUDGET TO APPROPRIATE FUNDS TO THE CITY'S COMMUNICATIONS & MARKETING DIVISION BUDGET FOR A TWO-YEAR AGREEMENT FOR MANAGEMENT OF THE PUBLIC-EDUCATION-GOVERNMENT (PEG) MASTER CONTROL ROOM

WHEREAS, Council approved a motion at its June 25, 2002 meeting to appropriate funds for a two-year labor contract for management of the Public-Education-Government (PEG) Access Master Control Room relocated to the Stanislaus County Office of Education building at 1100 H Street, Modesto, California, and

WHEREAS, the recommended contract will require funds consisting of $160,000 per year and

WHEREAS, the funding exists in reserve as part of the Cable Franchise settlement received from Cable One, Inc. in 2001, as part of the Cable Franchise transfer from Cable One, Inc. to AT&T Broadband.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2002-03 Annual Budget is hereby amended and the funds shall be appropriated for the purpose of completing said project as follows:

Transfer from: Acct#0100-800-8000-8003 ($160,000)

Transfer to: Acct#0100-020-0202-0235 $160,000

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-363

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GOODWIN CONSULTING GROUP, INC. FOR IMPLEMENTATION OF FUNDING STRATEGY FOR THE VILLAGE ONE INFRASTRUCTURE FINANCING PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Goodwin Consulting Group, Inc. for implementation of funding strategy for the Village One Infrastructure Financing Plan is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23 day of July, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-364

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GOODWIN CONSULTING GROUP, INC. FOR AMENDMENT OF THE VILLAGE ONE FINANCE PLAN AND THE VILLAGE ONE FACILITIES MASTER PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Goodwin Consulting Group, Inc. for amendment of the Village One Finance Plan and the Village One Facilities Master Plan is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23 day of July, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-365

A RESOLUTION OPPOSING THE PROPOSED FINK ROAD LANDFILL EXPANSION AND URGING THE STANISLAUS COUNTY BOARD OF SUPERVISORS NOT TO PROCEED WITH THIS PROJECT.

WHEREAS, the California Integrated Waste Management Act of 1989 (Assembly Bill 939) required cities and counties to prepare comprehensive planning documents to show how they would reduce disposal by 25 percent by 1995 and by 50 percent by 2000, and

WHEREAS, such planning documents also had to show how jurisdictions would implement waste reduction programs consistent with the solid waste management hierarchy established by Public Resources Code (PRC) Section 40051, which hierarchy includes, in order of priority, Source Reduction, Recycling and Composting, Transformation (waste-to-energy) and Environmentally Safe Landfill Disposal ,and

WHEREAS, pursuant to PRC Section 41700, one of the solid waste planning documents which had to be approved by the County and by each City within a county by resolution was the Countywide Siting Element, and

WHEREAS, in addition to other requirements established by statute, said Siting Element had to identify existing and proposed solid waste facilities that would be used for waste disposal, and

WHEREAS, the Siting Element had to either document the existence of disposal capacity for a minimum of 15 years, or show that there was an alternative strategy in place for transforming or diverting the excess waste, and

WHEREAS, the Siting Element also had to state its goals and policies for waste management that were consistent with the solid waste management hierarchy noted above, and

WHEREAS, The California Integrated Waste Management Act of 1989, Public Resources Code Section 40051, states: "In implementing this division, the board and local agencies shall do both of the following: (a) Promote the following waste management practices in order of priority: (1) Source reduction. (2) Recycling and composting. (3) Environmentally safe transformation and environmentally safe land

disposal, at the discretion of the city or county. (b) Maximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste that must be disposed of by transformation and land disposal. For wastes that cannot feasibly be reduced at their source, recycled, or composted, the local agency may use environmentally safe transformation or environmentally safe land disposal, or both of those practices.", and

WHEREAS, the Siting Element approved in November, 1995 by the County of Stanislaus and the nine cities in the County, including the City of Modesto, included goals and policies that were consistent with the solid waste management hierarchy, and

WHEREAS, Goals #2 and #3 of the 1995 Siting Element state that the County and the Cities were committed to implementing solid waste programs in the order of priority established by the hierarchy, which would promote source reduction, recycling and composting, and environmentally safe transformation and land disposal, pursuant to Public Resources Code Section 40051, Subsection (a), above, and

WHEREAS, Goal #7 of the 1995 Siting Element states that the County and cities would "Maximize the efficient use of the waste-to-energy facility while preserving landfill capacity by directing wastes which are not being sent to recycling and/or composting facilities to this facility rather than the Fink Road Landfill.", and

WHEREAS, Goal #7 and Policy #5 of the 1995 Siting Element state that the County and the cities would continue to investigate new methods of resource recovery and reuse technologies in Stanislaus County as a way to preserve landfill capacity, and

WHEREAS, most of the garbage generated in Stanislaus County is source reduced, recycled, composted, or transformed at the Waste-to-Energy Facility, and

WHEREAS, the Siting Element approved in 1995 by the County of Stanislaus and the nine cities in the County, including the City of Modesto, demonstrated that the remaining disposal capacity at the Fink Road Landfill was at least 22 years, and the capacity at the ash monofill was at least 30 years, and

WHEREAS, although the 1995 Siting Element demonstrated that existing capacity at the Fink Road landfill met the legal requirements, the Siting Committee of the Local Task Force on Solid Waste reviewed 21 potential additional sites, and tentatively reserved a site of approximately 300 acres to the south and west of the existing landfill,

which specific site was identified by aerial photograph, a copy of which is attached hereto as **Exhibit A**, for the purpose of potentially expanding the landfill to provide a minimum of 20 years of additional capacity as necessary, and

WHEREAS, the site identified by aerial photograph in the Siting Element was purchased by Stanislaus County in 1996 to be used for a potential expansion, and

WHEREAS, Title 14 CCR, Section 18756 (e) states; "A solid waste disposal facility not described within the Siting Element shall not be established unless an amendment to the Siting Element has been approved identifying and describing the facility, and the date of its inclusion in the element pursuant to PRC Section 41721.5." and

WHEREAS, Title 14 CCR, Section 18756.1 (a) states; "The Siting Element shall include a description of each proposed new solid waste disposal facility and a description of each proposed expansion of an existing solid waste disposal facility for each county and regional agency included in the Siting Element which complies with the criteria identified in Section 18756 of this article. The description shall include the type of facility, location, size, volumetric capacity of the facility expressed in cubic yards and in tons, life expectancy (years), expansion options of the existing or proposed facility, and post closure uses.", and

WHEREAS, Title 14 CCR, Section 18756.1 (a), Subsection (1) states; "Each Siting Element shall include one or more maps indicating the location of each proposed solid waste disposal facility and adjacent and contiguous parcels. The map (s) shall be drawn to scale and include the scale on the map sheet. The type of map (s) may be a 7.5 or 15 minute USGS quadrangle.", and

WHEREAS, the 1995 Siting Element adopted by the County and the nine cities has not been amended to show a different location for a proposed disposal facility on any site other than the site approved by the cities and County and shown in the aerial photograph, and

WHEREAS, the 1995 Siting Element adopted by the County and the nine cities has not been amended to include the descriptive criteria required by statute for any site other than the site approved by the cities and County and shown in the aerial photograph, and

WHEREAS, any such amendment to the Siting Element to identify and describe a proposed disposal facility other than as identified and described in the approved Siting Element would have to be approved by the cities and the County, pursuant to the requirements of Public Resources Code Section 41721.5 (a) which states;

"Any amendments to the countywide siting element shall be approved by the county and by a majority of the cities within the county which contain a majority of the population of the incorporated area of the county…", and

WHEREAS, the City of Modesto has the majority of the population of the incorporated area of the county, and

WHEREAS, the City of Modesto has received a Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR), and Final Environmental Impact Report (FEIR) for a proposed expansion of the Fink Road Landfill, and

WHEREAS, said NOP, DEIR, and FEIR describe the proposed landfill expansion as follows:

1. The existing Fink Road Landfill would be expanded to include an additional 2,418 acres of land to the west and north of the existing 219-acre site.

2. The County is proposing to use approximately 831 of the additional acres and the existing 219 acres to develop a regional landfill.

3. The working footprint of this landfill would be approximately 1,050 acres.

4. The landfill would operate 24 hours a day, 365 days per year.

5. The landfill would be capable of receiving an average of 5,000 tons per day and a maximum of 6,500 tons per day.

6. At capacity the landfill would hold 100,000,000 million tons of garbage.

7. Ninety-nine percent (99%) of the waste would come from sources outside of the Stanislaus County.

8. At the current loading rate of 290 tons per day, the existing landfill has a site life of 41 years; at the proposed loading rate of 5,000 to

6,500 tons per day, the expanded landfill would have a site life of 55 years.

9. Truck trips would increase by an average of 424 trips per day and passenger car trips would increase by an average of 76 per day.

10. There would be four (4) significant and unavoidable environmental impacts of the expansion project, including the loss of farmland, increased noise, adverse impacts on air quality, and an impact on visual resources, and

WHEREAS, the FEIR for the project summarily dismisses the possibility of viable alternatives to the project, such as biofuel production technologies currently used throughout the world, as a means of addressing any future need for capacity for in-County wastes, stating that; "Construction of a bio-fuel facility that converts waste into bio fuels such as methanol or ethanol...would be a significant departure from the County's current waste processing operations.", and

WHEREAS, the City of Modesto is a partner with Stanislaus County and Covanta Stanislaus in the Waste-to-Energy facility, and is contractually obligated to use the facility for its burnable waste up to the capacity of the facility, and

WHEREAS, this contract is in effect through the year 2010, with an option to extend the contract through the year 2016, and an option to purchase the facility at the end of the contract, and

WHEREAS, the residents of the City of Modesto, through their rate structure, have paid for 43% of the operating expenses and debt service on the facility and have thus made a substantial financial investment in both the construction and continued operation of the facility for the processing of Modesto's wastes, and

WHEREAS, as one of their obligations to the guarantors of the indebtedness on the facility, both the City of Modesto and Stanislaus County were required to reaffirm their commitment to use the facility throughout the term of the indebtedness, which runs through 2010, and

WHEREAS, the DEIR contains numerous speculative references to the "potential closure" of the Waste-to-Energy facility in the near term and the uncertain life span of the facility.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto does hereby find as follows:

1. That the proposed 2,418 acre expansion is inconsistent with the 1995 Siting Element because it is a significantly greater than the 300 acre expansion proposed by the 1995 Siting Element, whereas Title 14 CCR Section 18756.1 (a) requires an accurate description of the size of the proposed facility.

2. That the proposed expansion is inconsistent with the 1995 Siting Element because the overwhelming majority of the expansion area is on a site not identified in the aerial photograph in the 1995 Siting Element (Exhibit A), as required by Title 14 CCR Section 18756.1 (a)(1).

3. That the proposed expansion is inconsistent with the 1995 Siting Element because the 1995 Siting Element does not contain a description of a facility that would accept 5,000-6,500 tons of solid waste per day with a total capacity of 100,000,000 tons, whereas Title 14 CCR Section 18756.1 (a) requires an accurate description of the capacity of the facility.

4. That the proposed expansion is inconsistent with the 1995 Siting Element because the 1995 Siting Element does not contain a description of a facility with a 55 year life expectancy, as required by Title 14 CCR Section 18756.1 (a).

5. That the proposed expansion is inconsistent with the 1995 Siting Element because it places a higher priority on the development of new, unneeded disposal capacity rather than on the preservation of existing disposal capacity by diverting waste via source reduction, recycling, composting, and transformation, in direct contradiction to Goal #7 of the Siting Element.

6. That the proposed expansion is inconsistent with the 1995 Siting Element because it proposes to import the majority of the wastes to be disposed of from sources outside the county, with significant, unavoidable adverse impacts on air quality throughout the San Joaquin Valley Air Basin, which significant, unavoidable adverse impacts on air quality would be experienced within the city limits of the City of Modesto, in contradiction to Policy #7 of the Siting Element, which pledges to ensure the protection of air quality.

7. That the proposed expansion is inconsistent with the 1995 Siting Element because it proposes to import 99% of the wastes to be disposed of from sources outside the county, consuming capacity

that has been created at the expense of local ratepayers, 35% of which expense has been borne by the ratepayers of the City of Modesto, in contradiction to Goal #6 of the Siting Element, which states that any importation of waste will be in the "best interests" of the residents of Stanislaus County.

8. That the proposed expansion is inconsistent with the 1995 Siting Element, Goal #7 and Policy #6 of the Siting Element, because it has failed to consider viable alternative reuse technologies currently in use throughout Europe and the rest of the world that would provide alternative ways to meet any disposal capacity needs and preserve existing capacity.

9. That there is substantial evidence, in light of the whole record, that the proposed project will have a significant and unavoidable adverse effect on the environment.

10. That the proposed expansion has the potential to undermine the successful implementation of the City of Modesto's AB 939 Plans, because cheap, excess disposal capacity is a disincentive to the development of many of the waste reduction programs identified for implementation in the City's AB 939 Plans, in particular, those programs which are intended to expand the types of materials that are recycled, develop new uses and markets for recycled materials, and programs which are designed to give incentives for diversion and discourage disposal, such as variable can rates.

11. That the numerous speculative references to the potential shutdown of the Waste-to-Energy facility in the near term and the uncertain life span of the facility are detrimental to the City's significant long-term investment in the facility.

BE IT FURTHER RESOLVED that the City Council of the City of Modesto hereby opposes the proposed Fink Road Landfill Expansion Project as described in the CEQA documents prepared for the project, and urges the Stanislaus County Board of Supervisors not to proceed with this proposed project.

BE IT FURTHER RESOLVED that the City Council of the City of Modesto will not approve of any amendment to the Countywide Siting Element that would allow this project to proceed, for the reasons stated in the Findings herein.

BE IT FURTHER RESOLVED that the City Council of the City of Modesto hereby reaffirms its longstanding commitment to the implementation of its Source

Reduction and Recycling Element and other adopted solid waste planning documents, and to Source Reduction, Recycling and Composting, Transformation, and other disposal reduction alternatives, as the preferred alternatives to landfill based disposal.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Aerial Map of the Fink Road Landfill
with its Land Use Designation Shown:
General Agricultural District (A-2)

Figure 6-1

Adjacent and Nearby Land Use Designations are also Noted: (A-2)
In Addition to the Tentatively Reserved Area for Possible Future Expansion of the Landfill

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-366

A RESOLUTION APPOINTING MEMBERS TO THE PLANNING COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. JOSEPH GARDELLA and GARRAD MARSH are hereby appointed to the Planning Commission, each with a term expiration of January 1, 2006.

SECTION 2. LOUIS LEVIN is alternate and hereby appointed to the next available vacancy.

SECTION 3. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Planning Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Frohman
ABSENT:	Councilmembers:	Keating

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-367

A RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ZONING ADJUSTMENT

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. JOHN DE ANGELIS, BRADLEY HAWN and PATRICIA CASEY GILLUM are hereby appointed to the Board of Zoning Adjustment, each with a term expiration of January 1, 2006.

SECTION 2. CAROL QUINLIN is alternate and hereby appointed to the next available vacancy.

SECTION 3. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Board of Zoning Adjustment, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Frohman
ABSENT:	Councilmembers:	Keating

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-368

A RESOLUTION OBJECTING TO ANY CHANGE IN THE PLEDGE OF ALLEGIANCE.

WHEREAS, the United States Court of Appeals for the Ninth Circuit has ruled that the inclusion of the words "Under God" in the Pledge of Allegiance is unconstitutional, and

WHEREAS, the City Council of the City of Modesto disputes this ruling, and

WHEREAS, the City Council of the City of Modesto wishes to protest this ruling,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. That it disagrees with and opposes the ruling of the United States Court of Appeals for the Ninth Circuit which requires a change in the Pledge of Allegiance.

2. That it does not support any change in the Pledge of Allegiance.

3. That the City Attorney is hereby directed to submit a copy of this resolution to Senators Boxer and Feinstein and the United States Court of Appeals for the Ninth Circuit.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-369

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT AND MODESTO JUNIOR COLLEGE FOR PARTICIPATION IN THE SUBSIDIZED FEDERAL WORK STUDY PROGRAM FOR THE 2002-2003 PROGRAM YEAR.

WHEREAS, the Modesto Junior College has offered the City the opportunity to participate in the Federal Work-Study Program, and

WHEREAS, the program offers eligible students an opportunity to pay for educational expenses by working while attending school, and

WHEREAS, students are paid $7.25 per hour, with the Federal government subsidizing 75% of this amount, and the City being responsible for 25% of the amount,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Yosemite Community College District and Modesto Junior College for participation in the subsidized Federal Work Study Program for the 2002-2003 program year be, and it is, hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Marilyn Lowery
for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

FEDERAL WORK-STUDY PROGRAM AGREEMENT
YOSEMITE JUNIOR COLLEGE DISTRICT
MODESTO JUNIOR COLLEGE

THIS AGREEMENT, made and entered into this 10th day of, May, 2002 by and between CITY OF MODESTO, hereinafter called **"ORGANIZATION,"** and **"MODESTO JUNIOR COLLEGE,"** hereinafter called **"COLLEGE."**

WITNESSETH:

WHEREAS, COLLEGE has applied for a grant by the U.S. Commissioner of Education pursuant to Part C (Federal Work-Study Program) of Title IV of the Higher Education Act of 1956, as amended, to stimulate and promote the part-time employment of students, particularly students from low-income families, who are in need of earnings from such employment to pursue courses of study at institutions of higher education such as COLLEGE; and

WHEREAS, COLLEGE and ORGANIZATION desire that certain of the COLLEGE'S students engage in work for public and private Internal Revenue Service nonprofit organizations under the Federal Work-Study Program (FWS) authorized by the Act; and

WHEREAS, ORGANIZATION is in a position to utilize the services of such students;

NOW, THEREFORE, it is hereby mutually agreed between the parties hereto as follows:

I

DISTRICT Agrees:

A. To select and refer to **ORGANIZATION**, students eligible to participate in this program whom they feel would meet the requirements of Work Specifications attached to this contract.

B. To define extent of **ORGANIZATION'S** responsibility for training and supervision and to make periodic on-site reviews of project.

C. To maintain liaison between project supervisors regarding progress of each student.

D. To inform **ORGANIZATION** of any known physical limitation of student and to identify the training needs of each student.

E. To provide workers' compensation insurance for the students and to maintain adequate public liability and property damage insurance covering all acts or omissions of students under this agreement.

F. To the extent allowed by the law, to defend, indemnify and save **ORGANIZATION**, its officers and employees, from any liability imposed by law including Section 895.2 of the Government Code for injury or damages caused by any act or omission by any student arising out os this agreement.

II

Organization Agrees:

A. To provide project supervision of a quality consistent with the goals of the program for the benefit of the student and the public.

B. To keep accurate time records and to furnish this information to the **COLLEGE** on forms furnished by the **COLLEGE**.

C. To furnish the **COLLEGE** with an evaluation of the students on forms furnished by the **COLLEGE.**

D. To send home students who appear to be or claim to be ill and to report such cases and absenteeism to the **COLLEGE**.

E. To pay to the **COLLEGE** in monthly installments, 25% of total compensation to be paid to students based on hours actually worked as evidenced by time sheets submitted to the **COLLEGE** by **ORGANIZATION.**

III

General Conditions:

A. That this project shall not displace nor adversely affect **ORGANIZATION** employees and that students referred by the **COLLEGE** will be subject to approval by **ORGANIZATION.**

B. That **ORGANIZATION** may terminate the work of any student who lacks the skill and ability to perform the work assigned.

C. That the work assigned be for a useful public service.

D. That the students be subject to the same rules and regulations applicable to all **ORGANIZATION** employees with the exception that they work no more than 20 hours a week while attending school and no more than 40 hours a week during summer vacation periods (providing there is a summer FWS Program).

E. That none of the funds and services provided be used for any political activity or to further the election or defeat of any candidate for public office.

F. That no student will be denied work or subjected to different treatment under this agreement on the basis of race, color, national origin, sex, religion or handicap. It further agrees that it will comply with the provisions of Title VI and VII of the Civil Rights Act of 1973 and the Regulations of the Department of Education which implements those Acts.

G. That **COLLEGE** and **ORGANIZATION** are mutually responsible for reviewing and evaluating the program to determine whether it meets the standards of the FWS Program.

IV

Duration and modification of agreement:

A. The terms of this agreement begin September 3, 2002 , and terminate April 25, 2003, subject to right of either party to terminate this agreement at any time by 30-days written notice; except in the event funds are no longer available, agreement may be terminated at once.

B. This agreement contains the whole contract between the parties and shall not be altered or modified without formal action of both parties by mutual written consent.

C. All notices concerning this agreement are to be made in writing and sent to **COLLEGE** at Modesto Junior College and to **ORGANIZATION** City of Modesto .

IN WITNESS WHEREOF, the duly authorized official of the parties hereto have in their respective capacities hereto set their hands as of the date first herein above written.

CITY OF MODESTO
Organization

By_____

_____
Title

_____
Address

_____
Phone

APPROVED AS TO FORM:
MICHAEL D. MILICH, City Attorney
By: _____
CAROL A. SCHMIDT
Senior Deputy City Attorney

MODESTO JUNIOR COLLEGE

By_____
Myra E. Rush
Director of Financial Aid

YOSEMITE COMMUNITY COLLEGE DISTRICT

By_____
Teresa M. Scott
Vice Chancellor, Fiscal Services

offcamp.fws 6/24/98

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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-370

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT AND MODESTO JUNIOR COLLEGE FOR PARTICIPATION IN THE SUBSIDIZED CalWORKS WORK STUDY PROGRAM FOR THE 2002-2003 PROGRAM YEAR.

WHEREAS, the CalWORKS (CWS) Work Study Program offers employment opportunities for students at a reduced cost to the City of Modesto, and

WHEREAS, the students on the CWS Program gain valuable work experience, skills, and social responsibility, and

WHEREAS, CalWORKS subsidizes 50% of the $7.25 hourly wage for the students, and

WHEREAS, the City of Modesto bills the Yosemite Community College District on a monthly basis for 50% of the student's monthly salary,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Yosemite Community College District and Modesto Junior College for participation in the subsidized CalWORKS Work Study Program for the 2002-2003 program year be, and it is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute this agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CalWORKs WORK-STUDY PROGRAM AGREEMENT
YOSEMITE COMMUNITY COLLEGE DISTRICT
MODESTO JUNIOR COLLEGE

THIS AGREEMENT, made and entered into this **3rd day of September, 2002**, by and between **"CITY OF MODESTO"** hereinafter called **"ORGANIZATION,"** (either a Federal, State, or local public agency), (private nonprofit organization), (private, for profit business), **"YOSEMITE COMMUNITY COLLEGE DISTRICT"** hereinafter called **"DISTRICT"** and **"MODESTO JUNIOR COLLEGE"** (a college within the Yosemite Community College District), hereinafter called **"COLLEGE."**

WITNESSETH:

WHEREAS, DISTRICT has applied for a grant by the California Community Colleges Chancellor's Office for CalWORKs funding to stimulate and promote the part-time employment of CalWORKs eligible students, who are in need of earnings from such employment to pursue courses of study at institutions of higher education such as **COLLEGE**; and

WHEREAS, COLLEGE and **ORGANIZATION** desire that certain of the **COLLEGE'S** students engage in work for a Federal, State, or local public agency, private nonprofit organization, private or for profit business under the CalWORKs Work-Study Program; and

WHEREAS, ORGANIZATION is in a position to utilize the services of such students;

NOW, THEREFORE, it is hereby mutually agreed between the parties hereto as follows:

I. DISTRICT/COLLEGE Agrees:

A. To screen and refer to **ORGANIZATION**, students eligible to participate in this program whom they feel would meet the requirements of Work Specifications attached to this contract.

B. To define extent of **ORGANIZATION'S** responsibility for training and supervision and to make periodic on-site reviews of project.

C. To maintain liaison between project supervisors regarding progress of each student and to notify the **ORGANIZATION** of any student who may become ineligible.

D. To inform **ORGANIZATION** of any known physical limitation of student and to identify the training needs of each student.

E. **COLLEGE** agrees to indemnify and hold harmless **ORGANIZATION** and its authorized agents, officers, volunteers, and employees against any and all claims or actions arising from **COLLEGE'S** acts, errors, or omissions and for any cost or expense incurred by **ORGANIZATION** on account of any claim therefore.

F. To pay to the **ORGANIZATION** in monthly installments, 50% ($3.63/hour) of total compensation to be paid to students based on hours actually worked as evidenced by time sheets submitted to the **COLLEGE** by **ORGANIZATION**.

II. **ORGANIZATION Agrees:**

A. To comply with all program requirements.

B. To pay directly to employed students their total compensation less appropriate deductions.

C. To claim reimbursement only for wages:

(i) paid to students certified as eligible by the **COLLEGE**; and
(ii) that do not represent hours of work in excess of the maximum number of hours subject to reimbursement under this agreement; or for commission, bonuses, or other special compensation paid the student; or for wages earned or paid but not reported to the **COLLEGE** by the specified deadlines, and
(iii) for actual hours worked by the student. **The CalWORKs share of work-study reimbursement shall not include payment for vacation time, overtime, holiday pay, sick leave, union dues, jury duty, etc.**

D. To maintain an accurate record of the hours worked by each student on a form designed by the **COLLEGE** for that purpose.

E. To provide project supervision of a quality consistent with the goals of the program for the benefit of the student and the public.

F. To the total compensation billed for reimbursement by the **ORGANIZATION** shall not exceed the total amount authorized by the **COLLEGE.**

G. To make its payroll records for students paid under the CalWORKs Work-Study Program available to **COLLEGE** staff, California Student Aid Commission staff, or other State of California personnel for audit purposes.

H. To furnish the **COLLEGE** with an evaluation of the students on forms furnished by the **COLLEGE.**

I. To send home students who appear to be or claim to be ill and to report such cases and absenteeism to the **COLLEGE.**

J. To provide workers' compensation insurance for the students and to carry a policy of general liability insurance covering liability for bodily injury and physical damage to property arising from the activities of the students in the scope of their work for **ORGANIZATION** under this agreement.

K. **ORGANIZATION** agrees to indemnify and hold harmless **DISTRICT/COLLEGE** and its authorized agents, officers, volunteers, and employees against any and all claims or actions arising from **ORGANIZATION'S** acts, errors, or omissions and for any cost or expense incurred by **DISTRICT/COLLEGE** on account of any claim therefore.

III. **General Conditions:**

A. That this project shall not displace nor adversely affect **ORGANIZATION** employees and that students referred by the **COLLEGE** will be subject to approval by **ORGANIZATION.**

B. That **ORGANIZATION** may terminate the work of any student who lacks the skill and ability to perform the work assigned.

C. That the work assigned be for a useful service.

D. That the students be subject to the same rules and regulations applicable to all **ORGANIZATION** employees with the stipulation that they work no more than the contracted hours.

E. That none of the funds and services provided be used for any political activity or to further the election or defeat of any candidate for public office.

F. That no student will be denied work or subjected to different treatment under this agreement on the basis of race, color, national origin, sex, religion or handicap. It further agrees that it will comply with the provisions of Title VI of the Civil Rights Act of 1973 and the Regulations of the Department of Education which implements those Acts.

G. That **COLLEGE** and **ORGANIZATION** are mutually responsible for reviewing and evaluating the program to determine whether it meets the standards of the CalWORKs Work-Study Program.

IV. Duration and Modification of Agreement:

A. The terms of this agreement begin **September 3, 2002** and terminate **June 30, 2003**, subject to right of either party to terminate this agreement at any time by 30-day written notice; except in the event funds are no longer available, agreement may be terminated at once.

B. This agreement contains the whole contract between the parties and shall not be altered or modified without formal action of both parties by mutual written consent.

C. All notices concerning this agreement are to be made in writing and sent to **COLLEGE** at Modesto Junior College and to **ORGANIZATION** at **CITY OF MODESTO**.

WITNESS WHEREOF, the duty authorized official of the parties hereto have in their respective capacities hereto set their hands as of the date first herein above written.

CITY OF MODESTO
"ORGANIZATION"

By _____

_____
Title

_____
Address

_____

_____
Phone

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: Carol A. Schmidt
CAROL A. SCHMIDT
Senior Deputy City Attorney

MODESTO JUNIOR COLLEGE
"COLLEGE"
435 College Ave., Modesto, CA 95350

By _____
Myra E. Rush
Director of Financial Aid

YOSEMITE COMMUNITY COLLEGE DISTRICT
"DISTRICT"

By _____
Teresa M. Scott
Vice Chancellor
Fiscal Services

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-371

Print

A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE) AND AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #9)

WHEREAS, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), proceedings for annexation of additional territory to an existing community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 96-544, adopted on October 8, 1996, (the "Resolution of Formation") establish Community Facilities District No. 1996-1 ("the District"), and

WHEREAS, by its Resolution No. 97-520 adopted on September 9, 1997, this Council resolved to complete annexation #1 to the District, and

WHEREAS, by its Resolution No. 99-13 adopted on January 5, 1999, this Council resolved to complete annexation #2 to the District, and

WHEREAS, by its Resolution No. 99-615 adopted on December 14, 1999, this Council resolved to complete annexation #3 to the District, and

WHEREAS, by its Resolution No. 2000-413 adopted on August 1, 2000, this Council resolved to complete Annexation #4 to the District, and

WHEREAS, by its Resolution No. 2001-297 adopted on June 19, 2001, this Council resolved to complete Annexation #5 to the District, and

WHEREAS, by its Resolution No. 2001-352 adopted on July 10, 2001, this Council resolved to complete Annexation #6 to the District, and

WHEREAS, by its Resolution No. 2001-486 adopted on September 25, 2001, this Council resolved to complete Annexation #7 to the District, and

WHEREAS, by its Resolution No. 2002-144 adopted on March 26, 2002, this Council resolved to completed Annexation #8 to the District, and

WHEREAS, this Council hereby determines that the pubic convenience and necessity require the annexation, pursuant to Section 53339 of the Act, of certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that:

SECTION 1. The above recitals are true and correct.

SECTION 2. Certain territory is proposed to be annexed to the District (the "Annexed Territory") under the terms of the Act.

SECTION 3. The original boundaries of the District are shown on a map entitled "Proposed Boundaries of Community Facilities District No. 1996-1 of the City of Modesto, County of Stanislaus, State of California" on file with the County Recorder of the County of Stanislaus, at Book 2 of Maps of Assessment and Community Facilities Districts, at Page 70.

SECTION 4. District boundaries after the most recent annexation (Annexation #8) are shown on a map entitled "Annexation No. 8 to Community Facilities District No. 1996-1 (Village One)" on file with the County Recorder of the County of Stanislaus at Volume 3 A.M. of Maps of Assessment and Community Facilities Districts, at Page 52.

SECTION 5. The Annexed Territory is described in **Exhibit "A"** to this Resolution.

The boundaries of the Annexed Territory are also shown on the maps thereof, entitled "Annexation No. 9 to Community Facilities District No. 1996-1 (Village One)", on file in the office of the City Clerk, and hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than 10 days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District.

SECTION 6. The types of public facilities and services authorized to be provided to the District are set forth in the Resolution of Formation. These same types of facilities and services plus a comprehensive signage program as described in Resolution No. 97-174, adopted by the City Council on April 1, 1997, will be provided to the Annexed Territory.

SECTION 7. The Maintenance Special Tax to be levied in the Annexed Territory shall be the same as the Maintenance Special Tax currently levied in the original District, as set forth in the Resolution of Formation. The Facilities Special Tax to be levied in the Annexed Territory shall be slightly higher than that levied in the original District, to account for the additional cost of the community signage program, as referenced in Section 6 hereof. The Facilities Special Tax for the Annexed Territory is described in the City's Public Report, on file with the City Clerk, amended April, 1997. It is the intention of the City Council that in the event all of the subject taxes are not approved by the qualified electors of the Annexed Territory at an election to be held subsequent to the approval of this Resolution of Intention, that then, and in that sole event, the annexation of the Annexed Territory shall be a nullity, and void from the date of the public hearing on this resolution where it is approved.

Pursuant to the Public Report, the maximum Maintenance Special Tax and the maximum Facilities Special Tax shall be adjusted annually. The tax rates in effect as of July 1, 2002, are as follows:

Facilities Special Tax

Land Use Category	**Facilities Special Tax (per Gross Acre) Effective July 1, 2002**
Village Low-Density Residential	$25,208.69
Village Residential	$37,693.49
Multi-Family Residential	$97,681.60
Commercial	$110,752.02
Industrial	$51,867.38

Maintenance Special Tax

Land Use Category	Maintenance Special Tax Effective July 1, 2002
DEVELOPED	
Village Low-Density Residential	$149.51 per lot
Village Residential	$149.51 per lot
Multi-Family Residential	$97.06 per unit
Commercial	$524.34 per acre
Industrial	$524.34 per acre
UNDEVELOPED	
Village Low-Density Residential	$74.75 per lot
Village Residential	$74.75 per lot
Multi-Family Residential	$48.53 per unit
Commercial	$524.34 per acre
Industrial	$524.34 per acre

SECTION 8. A public hearing upon this Resolution shall be held at **5:30 p.m.**, or as soon thereafter as practicable, on **Tuesday, September 10, 2002,** in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than 30 or more than 60 days following the adoption thereof.

SECTION 9. At the hearing, any interested persons for or against the annexation of the Annexed Territory to the District, and the levy of the special tax therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 10. The City Clerk is directed to publish, not later than seven (7) days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard.

SECTION 11. If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Annexed Territory, or the owners of one-half or more of the area of land in the District and not exempt from the special tax, or the owners of one-half or more of the Annexed Territory, file written protests against the proposed annexation of the Annexed Territory to the District, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Annexed Territory, or to levy the District special tax therein, shall be taken for a period of one year from the date of the election of the Council on the issues discussed at the hearing.

At the conclusion of the hearing, if the Council determines to annex the Annexed Territory, it shall then submit the levy of the District special tax to the qualified electors of the Annexed Territory in a special election.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: Marilyn Roney
for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

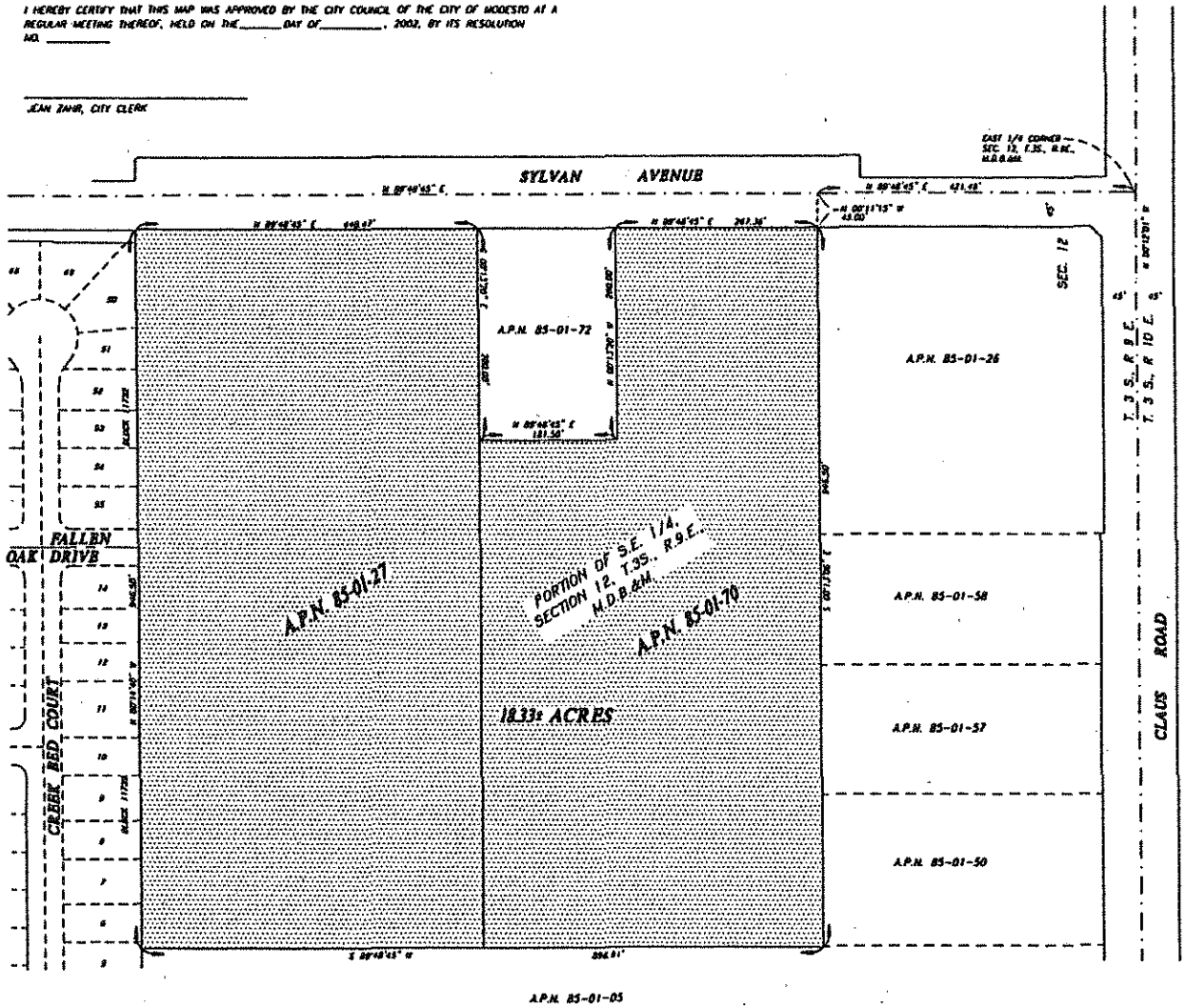
RESOLUTION 2002-371

EXHIBIT A

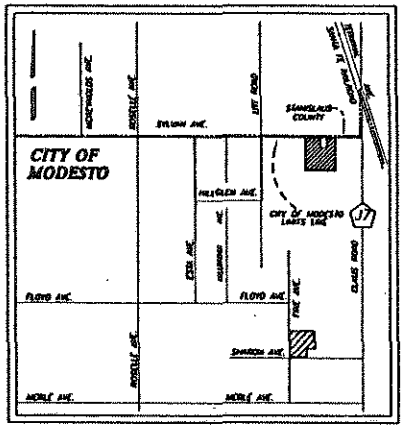
I HEREBY CERTIFY THAT THIS MAP WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2002, BY ITS RESOLUTION NO. _____

_____
JEAN ZAHR, CITY CLERK

PROPOSED BOUNDARIES OF ANNEXATION NO. 9 TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE) CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA



SCALE 1" = 1000'



VICINITY MAP
N.T.S.

PREPARED BY:
O'Dell Engineering
1101 H STREET SUITE 3, MODESTO, CALIFORNIA
APRIL 2002

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO IN A RECORDABLE FORM THIS

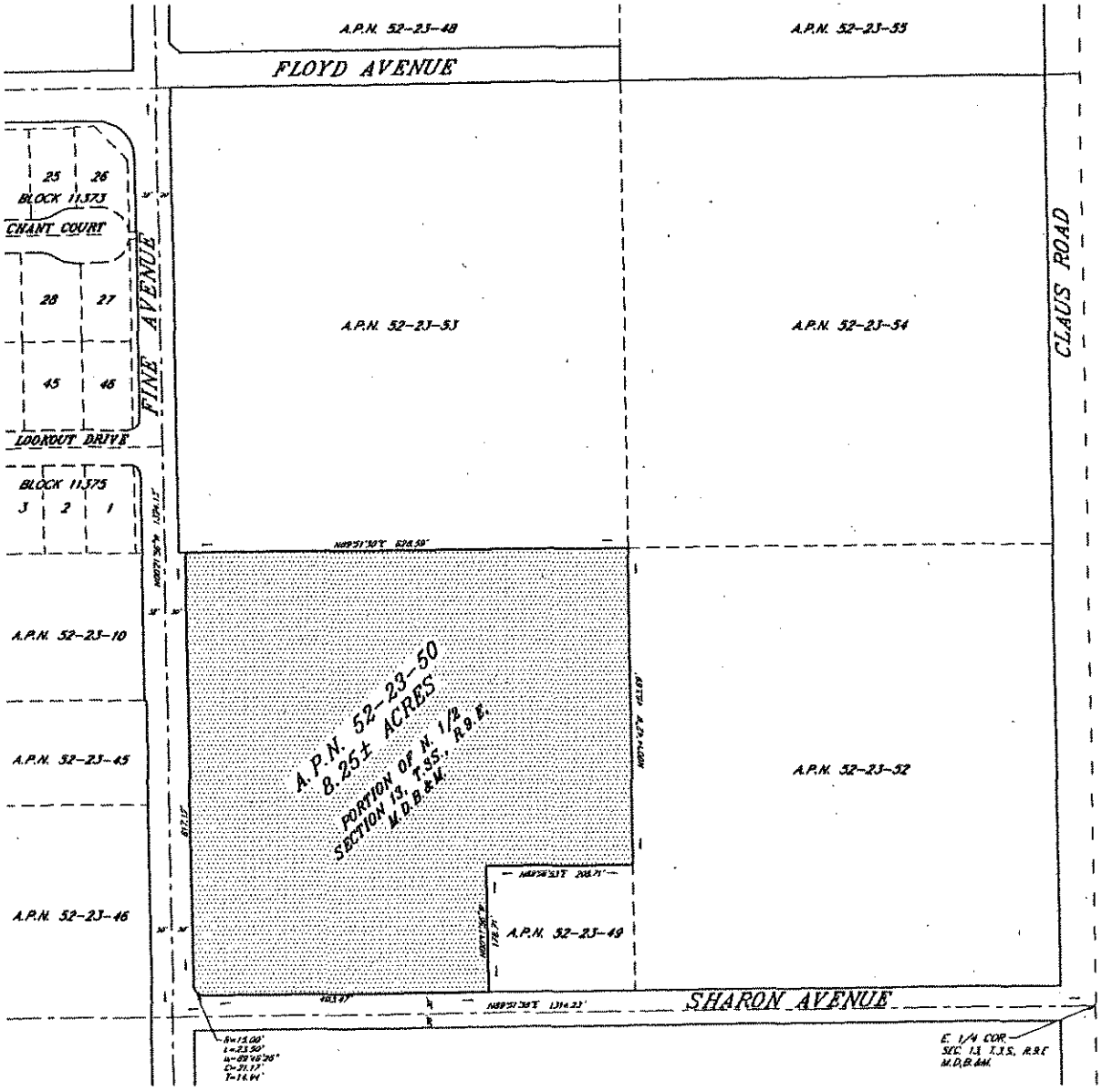
_____ DAY OF _____ 2002.

_____
JEAN ZAHR, CITY CLERK

FILED THIS _____ DAY OF _____, 2002, AT THE HOUR OF _____ O'CLOCK _____ M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE(S) _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

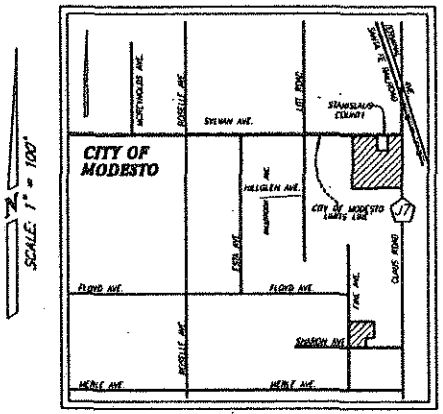
_____
LEE LUNORIGAN, COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA

60DOCT01.DWG JUNE 10, 2002



PROJECT NO. 2176A

PROPOSED BOUNDARIES OF ANNEXATION NO. 9 TO COMMUNITY FACILITES DISTRICT NO. 1996-1 (VILLAGE ONE) CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA



VICINITY MAP
N.T.S.

PREPARED BY:
HAWKINS & ASSOCIATES ENGINEERING
436 MITCHELL ROAD
MODESTO, CALIFORNIA 95354

I HEREBY CERTIFY THAT THIS MAP WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2002, BY ITS RESOLUTION NO. _____

_____
JEAN ZAHR, CITY CLERK

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO IN A RECORDABLE FORM THIS _____ DAY OF _____, 2002.

_____
JEAN ZAHR, CITY CLERK

FILED THIS _____ DAY OF _____, 2002, AT THE HOUR OF _____ O'CLOCK ___ M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE(S) _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

_____
LEE LUNDBIGAN, COUNTY RECORDER
OF THE COUNTY OF STANISLAUS,
STATE OF CALIFORNIA

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-372

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE SCOPE OF THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: ANNEXATION #9 TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report ("EIR") (State Clearinghouse No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24,1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, City staff prepared an Initial Study, Environmental Assessment No. EA/CDD 2002-36, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on Tuesday, August 8, 2002 at 5:30 p.m. in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/CDD 2002-36, entitled "City of Modesto Initial Study: Annexation No. 9 to the Village One Community Facilities District No. 1996-1," for the proposed project, and the Council hereby makes the following findings:

A. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR, as modified by the Supplemental EIR (SCH No. 90020181).

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

C. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Village One Specific Plan Program EIR, as modified by the Supplemental EIR, was certified as complete, which shows any of the following:

1. That the project will have any significant effects that were not discussed in the Village I Final EIR, as amended by the Village I Supplemental EIR; or

2. That any significant effects previously examined will be substantially more severe than shown in the Village I Final EIR, as amended by the Village I Supplemental EIR; or

3. That any mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project; or

4. That mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment.

D. The initial study provides substantial evidence to support findings A, B and C, above.

A copy of said Environmental Assessment No. EA/CDD 2002-36, entitled "City of Modesto Initial Study: Annexation No. 9 to the Village One Community Facilities District No. 1996-1," is attached hereto as **Exhibit "A"**, and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant Mayor Sabatino
NOES:	Councilmembers:	Frohman
ABSENT:	Councilmembers:	None

Attest: Marilyn Romey
for JEAN ZAHIR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

RESOLUTION 2002-372

EXHIBIT A

City of Modesto

Initial Study

ANNEXATION NO. 9 TO THE VILLAGE ONE COMMUNITY FACILITIES DISTRICT NO. 1996-1

EA/CDD 2002- 36
July 15, 2002

I. PURPOSE

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Section 15168 (c) (2) of the California Environmental Quality Act (CEQA) Guidelines states that for a Program EIR if the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.

Section 15162 of the CEQA Guidelines states that when an EIR has been certified for a project no subsequent EIR shall be prepared for that project, if the following findings can be made:

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.

B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The purpose of this Initial Study is to provide the substantial evidence for the above findings.

II. PROJECT DESCRIPTION

A. Project title:
Annexation No. 9 to the Village One CFD No. 1996-1

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:
Tina Rocha, City of Modesto, City Manager's Office, (209) 577-5321

D. Project Location:
The Village One Specific Plan area between Sylvan and Briggsmore Avenues and Claus Road and Roselle Avenue.

E. Project Sponsor:
City of Modesto, 1010 Tenth Street, Modesto, CA 95354

F. General Plan Designation:
Village Residential (VR)

G. Current Zoning:
Specific Plan-Holding (SP-O) Zone

H. Description of Proposed Project:
Annexation No. 9 to the Village One Community Facilities District No. 1996-1 (Mello-Roos District). This annexation includes three properties located in the Village One Specific Plan Area that are to be developed as follows: a) "Village Highlands No. 7" Subdivision, consisting of Assessors Parcel No. 085-01-27, 9.74 net acres to be developed with a residential subdivision at 4.5 units/acre , and b) "Village Highlands No. 8" Subdivision, consisting of Assessors Parcel No. 085-01-70, to be developed with a residential subdivision on 6.7 net acres and 1.87 net acres for future Claus Road, and c) "Banyon Estates" Subdivision, Assessors Parcel No. 052-23-50, to be developed with a residential subdivision at 5.82 units/gross acre on 8.25 gross acres. These parcels are shown on the attached maps, sheets 1 and 2.

The Community Facilities District will pay for Infrastructure to serve the Village One Specific Plan area as well as these specific properties. This infrastructure is described in more detail in the Public Report, amended April, 1997, for Community Facilities District No. 1996-1 (Village One). The infrastructure includes Arterial Roads, Storm Drainage System, Utility Relocation, Parks, Public Facilities, Other and Operations and Maintenance of Parks, Trails and Street Parkways. The facilities are also described in the Village One Facilities Master Plan and Village One Finance Plan. These properties are to be included in the original Community Facilities District (CFD) as required by the Village One Specific Plan and Finance Plan, to pay for their share of infrastructure costs under the CFD.

I. Surrounding land uses:
The subject parcels in the project area are surrounded by existing ranchette properties and developing single-family subdivisions and the existing developed Orchard Neighborhood to the west.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH SECTION 15162 FINDINGS

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, as modified by the Supplemental EIR:

1. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The development and infrastructure to be financed by the proposed Community Facilities District is consistent with the Village One Specific Plan in land use and intensity. The CFD would provide a circulation system consistent with the Specific Plan. Therefore, impacts to traffic and circulation for this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Air quality impacts for this project are directly related to traffic impacts. Because the traffic impacts for development and infrastructure funded by this project are consistent with those in the Village One Specific Plan EIR, air quality impacts are also consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

3. Generation of Noise

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The development and infrastructure to be financed by this Community Facilities District is consistent with the Village One Specific Plan in land use and intensity. Therefore, the noise impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

4. Vegetation and Wildlife

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The development and infrastructure to be financed by the proposed financing district is in an area analyzed by the Village One EIR for residential development. Therefore, the impacts to vegetation and wildlife of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

5. Land Use

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. The development and infrastructure to be financed by this financing district is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

6. Population, Employment and Housing

Impacts to population, employment and housing are analyzed on pages III-95 through III-99 of the Supplemental EIR. The development and infrastructure to be financed by this Community Facilities District is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to population, employment and housing of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

7. Urban Design and Visual Quality

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The development to be financed by this financing district is consistent with the Village One Specific Plan in terms of land use, intensity and urban design. Therefore, the impacts to urban design and visual quality of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

8. Geology and Soils

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The development proposed by this subdivision is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to geology and soils of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

9. Hydrology

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The development and infrastructure proposed to be financed by this Community Facilities District is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to hydrology of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

10. Public Services

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The development and infrastructure proposed to be financed by this Community Facilities District is consistent with the Village One Specific Plan in terms of land use and intensity, and would not create any additional demand for public services that are in excess of those analyzed by the Village One EIR. Therefore, the impacts to public services of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

11. Fiscal Impacts

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The development and infrastructure proposed to be financed by this Community Facilities District is consistent with the Village One Specific Plan in terms of land use, intensity and estimated cost. Therefore, the fiscal impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

12. Cumulative Impacts

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The development and infrastructure proposed to be financed by this financing district is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the cumulative impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

13. Growth Inducing Impacts

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The development and infrastructure to be financed by this Community Facilities District is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the growth-inducing impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

IV DISCUSSION OF SECTION 15162 FINDINGS

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the development or infrastructure financing proposed for the Village One project under which this project is being undertaken which will require major revisions in the Village One Program EIR.

B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Village One Program EIR.

C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there is no new information, which was not known at the time the Program EIR was certified, has become available, that would change the conclusions of the EIR.

V. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Village One Program EIR, as modified by the Supplemental EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Program EIR, as modified by the Supplemental EIR.

C. No new information, which was not known and could not have been known at the time the Village One Program EIR, as modified by the Supplemental EIR, was certified as complete, has become available.

D. This initial study provides substantial evidence to support findings A, B and C, above.

Signature:

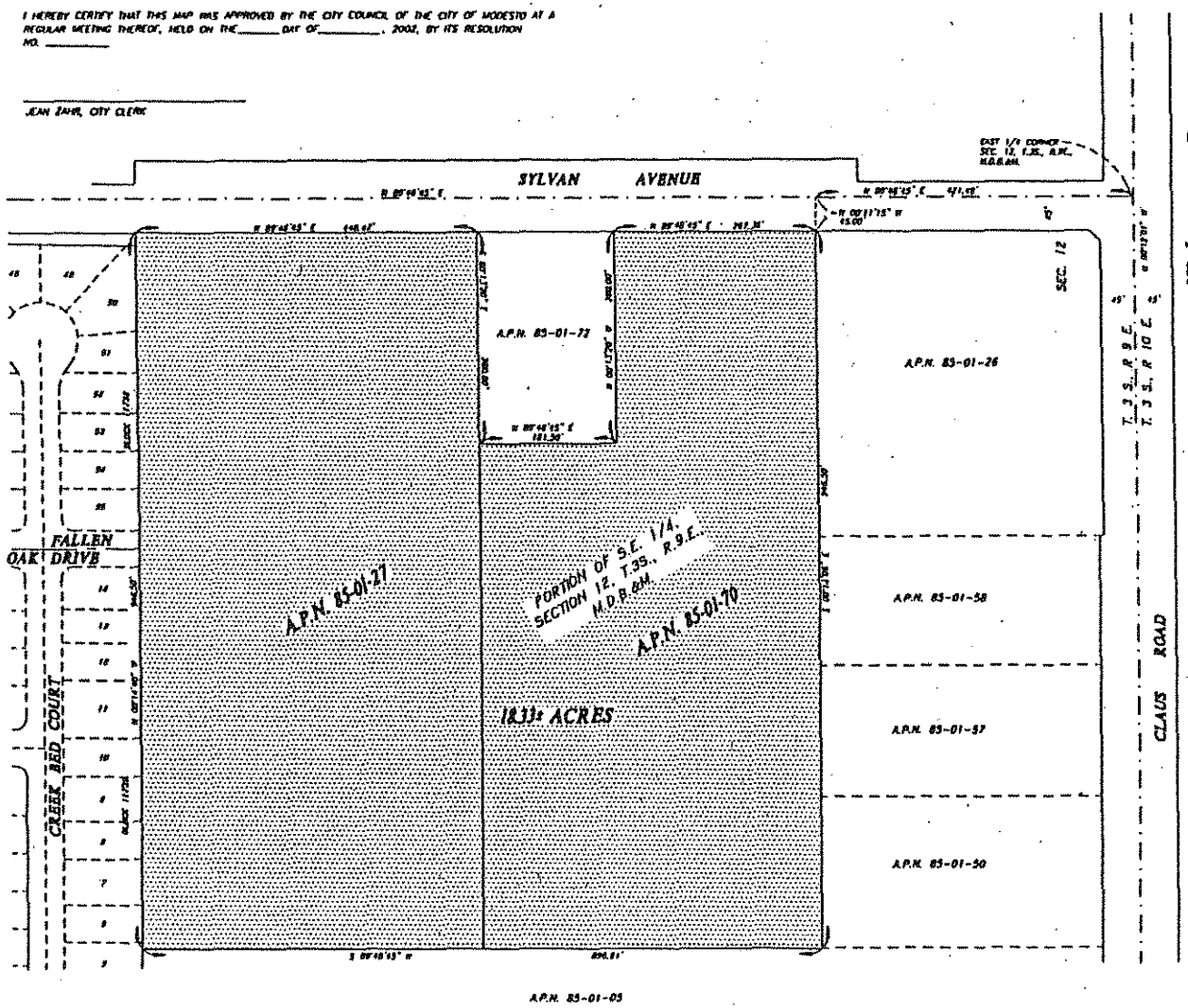
Steve Nish
Acting Senior Planner

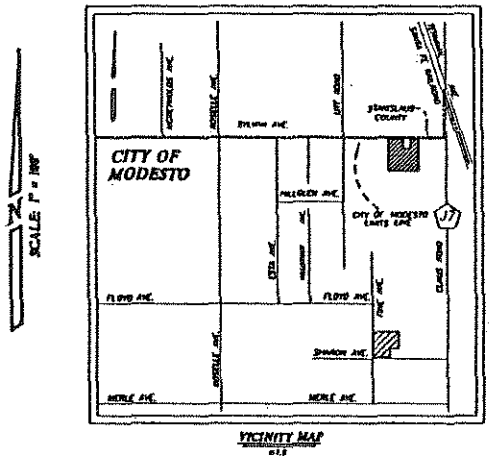
Date: 7/11/02

I HEREBY CERTIFY THAT THIS MAP WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2002, BY ITS RESOLUTION NO. _____

_____
JEAN ZAHR, CITY CLERK

PROPOSED BOUNDARIES OF ANNEXATION NO. 9 TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE) CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA





VICINITY MAP

PREPARED BY:

O'Dell Engineering

1101 H STREET SUITE 1, MODESTO, CALIFORNIA
APRIL 2002

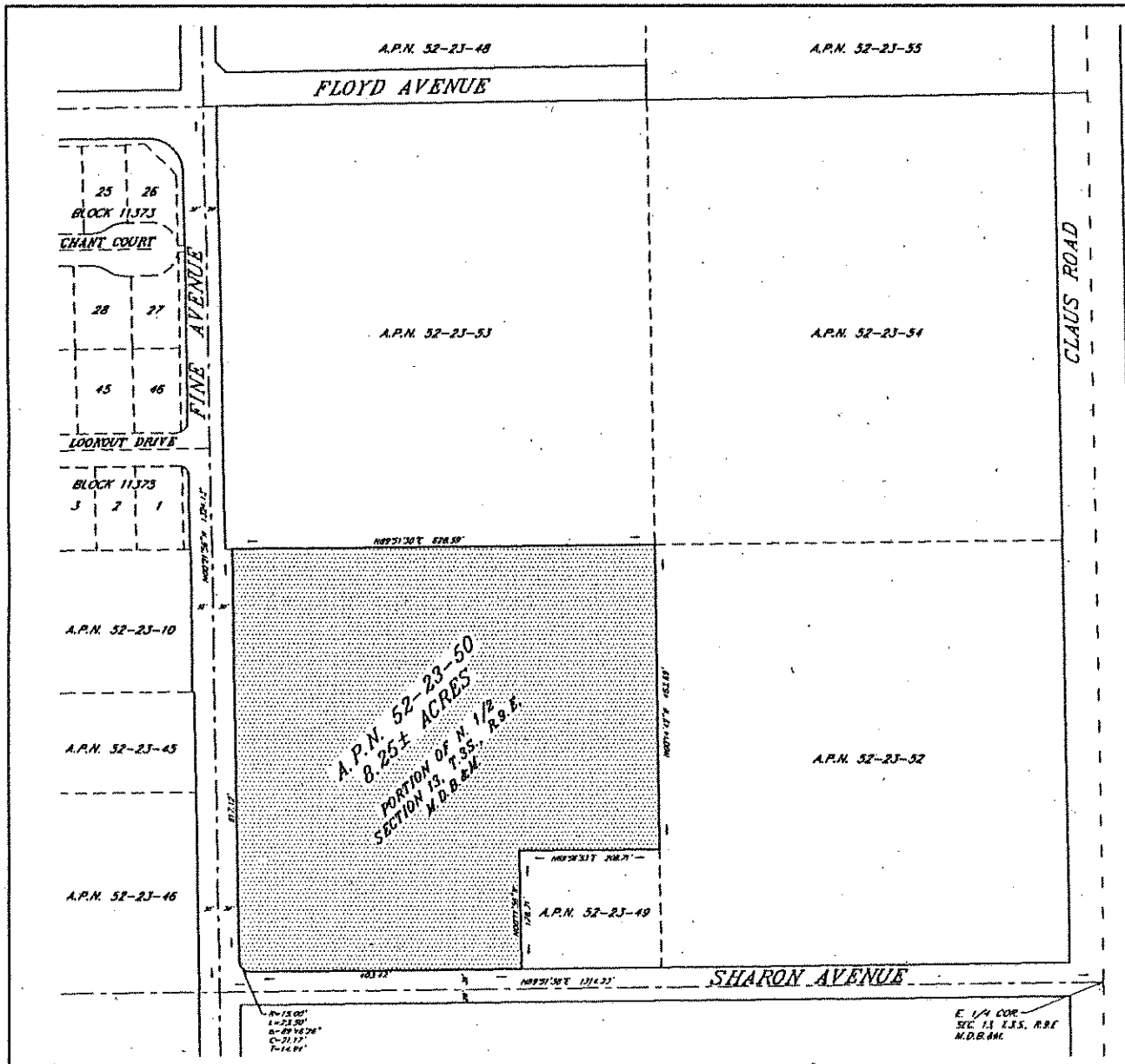
FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO IN A RECORDABLE FORM THIS

_____ DAY OF _____, 2002.

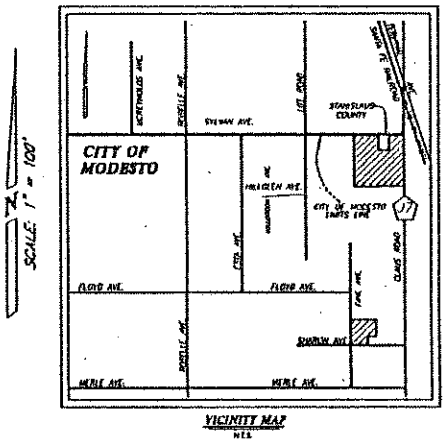
_____
JEAN ZAHR, CITY CLERK

FILED THIS _____ DAY OF _____, 2002, AT THE HOUR OF _____ O'CLOCK ____ M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE(S) _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

_____
LEE LUNDRIGAN, COUNTY RECORDER
OF THE COUNTY OF STANISLAUS,
STATE OF CALIFORNIA



PROPOSED BOUNDARIES OF ANNEXATION NO. 9 TO COMMUNITY FACILITES DISTRICT NO. 1996-1 (VILLAGE ONE) CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA



VICINITY MAP
NTS

PREPARED BY:
HAWKINS & ASSOCIATES ENGINEERING
436 MITCHELL ROAD
MODESTO, CALIFORNIA 95354

I HEREBY CERTIFY THAT THIS MAP WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2000, BY ITS RESOLUTION NO. _____

_____
JEAN ZAHR, CITY CLERK

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO IN A RECORDABLE FORM THIS _____ DAY OF _____, 2000.

_____
JEAN ZAHR, CITY CLERK

FILED THIS _____ DAY OF _____, 2000, AT THE HOUR OF _____ O'CLOCK ___.M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE(S) _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

_____
LEE LUNDERGAN, COUNTY RECORDER
OF THE COUNTY OF STANISLAUS,
STATE OF CALIFORNIA

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-373

A RESOLUTION APPROVING AN AGREEMENT WITH PATHWAY RESEARCH TO TAKE POSSESSION OF 21 NEIGHBORHOOD ELECTRIC VEHICLES FOR EVALUATION OVER A ONE-YEAR PERIOD, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, in May 2002, Pathway Research a General Motors Business Partner, contacted Mayor Sabatino to indicate their desire to partner with the City of Modesto and place several Neighborhood Electric Vehicles (NEV's) in our fleet for research and evaluation purposes, and

WHEREAS, the vehicles are available to the city for one year and at no cost, and

WHEREAS, the program is designed to place NEV's in controlled environment for the purpose of research and evaluation as to their effectiveness as an alternative transportation source, and

WHEREAS, the NEV's are being offered at no cost for the base units with the agreement that the city will participate for a period of one year, and

WHEREAS, the city will be required to return the NEV's to Pathway Research after one-year period unless the city decides to purchase the units for $5,200 each, and

WHEREAS, authorizing this program will allow the city to have an opportunity to evaluate various uses of alternative fueled vehicles at a minimal cost, and

WHEREAS, several Departments have been contacted and are willing to participate in the evaluation program, and

WHEREAS, the Economic Development Committee reviewed this recommendation at its meeting on July 8, 2002, and recommended the City's participation in the program, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Pathway Research to take possession of 21 Neighborhood Electric Vehicles for evaluation over a one-year period,

BUT IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Council member Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-374

A RESOLUTION APPROVING A PROFESSIONAL SERVICE AGREEMENT WITH OMNI MEANS, LTD. IN THE AMOUNT OF $251,115, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.

WHEREAS, the City of Modesto periodically updates its Capital Facility Fee program, and;

WHEREAS, it is desirable to update the Capital Facility documentation for street projects as a source of information to update the Capital Facility Fee program, and;

WHEREAS, developers pay an administrative fee to support administration and studies to update the Capital Facilities Fee program, and;

WHEREAS, Omni Means, Ltd. specializes in the planning and construction of street projects and interchanges.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Omni Means, Ltd. in the amount of $251,115.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto on the 8th day of August by Mayor Sabatino, who moved its adoption, which motion was duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
Jean Zahr, City Clerk

APPROVED AS TO FORM:
By: _____
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-375

A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH AN APPROPRIATION IN THE IN THE AMOUNT OF $251,115 TO COVER THE COST OF AN AGREEMENT WITH OMNI MEANS, LTD.

WHEREAS, the City of Modesto periodically updates its Capital Facility Fee program, and;

WHEREAS, it is desirable to update the Capital Facility documentation for street projects as a source of information to update the Capital Facility Fee program, and;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Finance Director is authorized to establish an appropriation in the amount of $251,115 in the Capital Facilities Administrative Fund (Fund 1390) to cover the cost of a contract with Omni Means, Ltd.

BE IT FURTHER RESOLVED that the Finance Director is authorized to reduce the appropriations to account 1390-120-M180-6080 by $59,000 returning the monies to the fund balance of said fund.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto on the 8th day of August by Mayor Sabatino, who moved its adoption, which motion was duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
Jean Zahr, City Clerk

APPROVED AS TO FORM:
By: _____
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-376

A RESOLUTION AUTHORIZING WITHDRAWAL OF ACCEL RETRO FUNDS IN THE AMOUNT OF $355,867 TO PAY CITY'S INSURANCE PREMIUM FOR FY 02/03; LEAVING A BALANCE OF $713,840 ON DEPOSIT.

WHEREAS, the City of Modesto has participated in Authority for California Cities Excess Liability (ACCEL) - a risk sharing pool since May '86, and

WHEREAS, each member city maintains premium deposits on account with ACCEL to cover potential pooled losses, and

WHEREAS, each year a retrospective rating calculation is run to determine assessments or refunds to members based upon actual loss experience, and

WHEREAS, this year's calculation results in refund to the City of Modesto in the amount of $1,069,707 for Program Years through FY 96/97, and

WHEREAS, this refund may be left on deposit with ACCEL or withdrawn in whole or in part, and

WHEREAS, the City's insurance premium for FY 02/03 amounts to $355,867, and

WHEREAS, the City desires to withdraw the sum of $355,867 from ACCEL to pay said premium, and

WHEREAS, the balance of the refund in the amount of $713,840 shall remain on deposit with ACCEL, and the City may, upon Council approval, to make additional withdrawals from ACCEL prior to December 31, 2002, if funds are needed, and

WHEREAS, the Finance Committee reviewed this matter at its July 22, 2002 meeting, and recommended the $355,867 withdrawal.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes withdrawal of the amount of $355,867 from ACCEL for the purpose of paying the City's 2002-2003 insurance premiums.

BE IT FURTHER RESOLVED that the City Manager, or his designee is hereby authorized to instruct the Treasurer of ACCEL to pay the City of Modesto the sum of $355,867 from said ACCEL fund and to execute all necessary documents to complete said financial transactions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO FORM:

By: _____
MICHAEL MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-377

Print

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS, FOR ONE MODESTO POLICE OFFICER TO WORK ON THE HIGH RISK OFFENDER/JUVENILE WARRANT ENFORCEMENT PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT TO THE AGREEMENT

WHEREAS, on July 1, 2001, by Resolution Number 2001-351, the City Council approved an agreement between the Stanislaus County Probation Department and the City of Modesto Police Department for a Modesto Police Officer to partner with a Stanislaus Probation Officer to monitor high risk juvenile offenders and to enforce Juvenile Court warrants, and

WHEREAS, the County of Stanislaus Probation Department and the Modesto Police Department desire to continue to provide intensive supervision and monitoring to high-risk juvenile wards, enforce Juvenile Court warrants and conduct police/probation activities to curtail delinquent behavior for the purpose of reducing juvenile crime and gang involvement and increasing offender accountability, and

WHEREAS, the Modesto Police Department can provide an experienced and competent Police Officer for these purposes and the City wishes to enter into an amendment to the agreement with the Probation Department to provide such services, and

WHEREAS, the entire cost of one Modesto Police Officer, his or her benefits and personal equipment, will be paid by the County of Stanislaus by a federal grant obtained for the "High Risk Offender/Juvenile Warrant Enforcement Program," and

WHEREAS, said amendment extends the term of the agreement from July 1, 2002 to June 30 , 2003, and provides total compensation of $73,500,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the amendment to the 2001 agreement between the City of Modesto and the Stanislaus County Probation Department for one Modesto Police Officer to work in "High-Risk Offender/Juvenile Warrant Enforcement Program" is hereby approved.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute said amendment to the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Marilyn Ramey
for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-378

A RESOLUTION APPROVING A LEASE AGREEMENT WITH DOUBLETREE DTWC CORPORATION FOR 1,429 SQUARE FEET OF STREET LEVEL STOREFRONT SPACE AT THE DOUBLETREE HOTEL IN DOWNTOWN MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE AGREEMENT.

WHEREAS, at its April 23, 2002, meeting, the City Council voted to transfer the Convention and Visitors Bureau function from the Modesto Chamber of Commerce to a City organization in the Parks, Recreation and Neighborhoods Department, and

WHEREAS, a new office location for the Convention and Visitors Bureau is needed as of July 1, 2002, and

WHEREAS, staff has located 1,429 square feet of street level storefront office space at the DoubleTree Hotel in downtown Modesto, and

WHEREAS, this space is available for lease for $1,786.25 per month, and

WHEREAS, the Safety and Communities Committee met on June 3, 2002, and supported the recommended lease agreement, and

WHEREAS, at the June 25, 2002 meeting, the City Council directed staff to renegotiate the lease to secure a shorter term, and

WHEREAS, staff has been able to negotiate a three-year term, and

WHEREAS, the Safety and Communities Committee met on August 5 to consider the revised lease agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a lease agreement with DoubleTree DTWC Corporation for 1,429 square feet of street level storefront space at the DoubleTree Hotel in downtown Modesto.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager to execute the lease agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: _____
for JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-379

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE PROJECT TITLED "2001-2002 PAVEMENT MAINTENANCE – W. ORANGEBURG AVENUE FROM MARTIN AVENUE TO MCHENRY AVENUE"

WHEREAS, the bids received for "2001-2002 PAVEMENT MAINTENANCE – W. ORANGEBURG AVENUE FROM MARTIN AVENUE TO MCHENRY AVENUE" were opened at 11:00 a.m. on August 6, 2002 and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $1,133,830 received from GEORGE REED, INC. be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that $1,133,830 from GEORGE REED, INC. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-380

A RESOLUTION ACCEPTING IMPROVEMENTS IN THE RENAISSANCE SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, S&S VENTURES, a California Limited Partnership, is the subdivider of The Renaissance subdivision, and

WHEREAS, S&S VENTURES, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $919,000.00 and $459,500.00, respectively, and

WHEREAS, S&S VENTURES, has filed a warranty bond in the amount of $91,900.00 to guarantee improvements in The Renaissance subdivision, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The improvements in The Renaissance subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $919,000.00 upon recordation of the notice of completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $459,500.00 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $91,900.00 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Marilyn Lowney
for JEAN ZAHR, City Clerk

(SEAL)

Approved as to form
BY: _____
MICHAEL MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-381

A RESOLUTION APPROVING THE FINAL MAP OF ORLEANS ESTATES UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, FLORSHEIM BROS., a California General Partnership, by its general partner, FLORSHEIM PROPERTIES, a California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 19.22 acres, known as ORLEANS ESTATES UNIT NO. 1, ("SUBDIVISION") in the Village One Specific Plan Area, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 25th day of February, 2002, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider

has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By _____
ALISON A. BARRATT-GREEN
Senior Deputy City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-382

A RESOLUTION APPROVING THE FINAL MAP OF ORLEANS ESTATES UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, FLORSHEIM BROS., a California General Partnership, by its general partner, FLORSHEIM PROPERTIES, a California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 17.00 acres, known as ORLEANS ESTATES UNIT NO. 2, ("SUBDIVISION") in the Village One Specific Plan Area, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 25th day of February, 2002, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider

has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Marilyn Bonney
for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By Alison A. Barratt-Green
ALISON A. BARRATT-GREEN
Senior Deputy City Attorney

AMENDED FOR CLERICAL ERROR

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-383

A RESOLUTION ESTABLISHING FEES AND ADOPTING A USE AND FEE POLICY FOR USE OF FACILITIES AT TUOLUMNE RIVER REGIONAL PARK AND RESCINDING RESOLUTION NO. 99-236.

WHEREAS, on May 18, 1999, the City Council adopted Resolution No. 99-236 establishing certain fees and a Use and Fee Policy for use of facilities at Tuolumne River Regional Park, with the exception of Fee Priority Categories #4 (Non-Profit and Public Organizations, #5 (Private Citizens) and #6 (Commercial for Profit), and

WHEREAS, by said resolution, the Council directed staff to revise Fee Priority Categories #4, #5, and #6 of the Use and Fee Policy and return to Council for final approval of those categories, and

WHEREAS, through inadvertence and mistake, Fee Priority Categories #4, #5, and #6 were not revised or resubmitted to the Council for approval, and those fees have been incorrectly charged since July 1, 1999, and

WHEREAS, pursuant to an agenda report to the City Council dated July 5, 2002, the Parks, Recreation and Neighborhoods Department staff has recommended to the City Council certain fee assessments relating to the use of Tuolumne River Regional Park and a Use and Fee Policy, a copy of which is included as Attachment 1, attached hereto and incorporated herein by reference, and

WHEREAS, the Safety and Communities Committee met on June 3, 2002, and supported the recommended fees and Use and Fee Policy, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 p.m. on July 23, 2002 in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto California, and

RESCINDED
04-27-2004
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2004-237

WHEREAS, said public hearing was continued to August 8, 2002,

WHEREAS, on said date and time said duly noticed public hearing of the City Council was held for the purpose of receiving public comment on the proposed fees and Use and Fee Policy for the Tuolumne River Regional Park, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the fees and the Use and Fee Policy for Tuolumne River Regional Park as set forth in **Attachment 1**, attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that this resolution shall become effective on August 9, 2002.

BE IT FURTHER RESOLVED that Resolution No. 99-236 is hereby rescinded effective August 8, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant,, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT

Tuolumne River Regional Park Use and Fee Policy

I. Authorities for TRRP Use and Fee Policy

A. The 1995 TRRP Inter Agency Task Force Report

General Finding # 6: .....An earmarked source of funding for the core infrastructure and traditional public access and use, supplemented by user fees, private investment, grants, growth impact fees and/or development bonds should be explored in order to create the opportunity for achieving the park systems vision.

B. The 1995 TRRP Inter Agency Task Force Report

General Recommendation - Long Term # 2: .....Under any type of District mechanism, the overall funding mix would likely include the following financing sources:

b. User Fees: Will go toward maintaining facilities and providing services of special nature (parking facilities, large group picnic facilities, reservation services, etc.). These services would be established at 100% of cost.

C. The 1995 TRRP Inter Agency Task Force Report

TRRP Task Force Short-Term Solutions # 3. Revise Use Policies and Fee Structures

a) ...User fees must be set at cost of service plus depreciation for all special services and uses such as facility reservation services and special events. Any special use that generates revenue should pay the cost of service PLUS a net revenue return to the TRRP fund. The gross revenue return in priority category # 4 (non-profits and other public organizations) would be a fixed scale percentage rate and in priority category # 6 (commercial for-profit) would be a negotiated amount from 10 – 15% of gross revenue.
b) ...No total fee waivers will be approved including requests from non-profits and public agencies. Modesto, the County and Ceres could receive a reduced rate if cost offsets were provided, such as clean-up services. However, every user must pay a minimum rate to cover other direct and indirect costs such as utilities and depreciation.
c) ...Create additional fee categories for facility reservations and

additional services in order to broaden the market for facility use and provide additional revenue potential and services at no additional cost.

D. The 1995 TRRP Inter Agency Task Force Report

TRRP Task Force Short-Term Solutions # 6. Create Additional Recreational, Educational, and Revenue Opportunities

c) Develop additional services to be offered through the reservation systems such as catering, decorating, entertainment, AV and other special equipment.

E. The 1995 TRRP Inter Agency Task Force Report

TRRP Task Force Short-Term Solutions # 8. Provide More Focused Management of Total Park Operations

a) Create a PARK SERVICES POSITION on an interim basis. This position will be dedicated to the following tasks:
* Develop the additional services to be offered through the reservation systems.

F. Agreement Between County of Stanislaus, City of Modesto and City of Ceres Relating To The Acquisition, Development and Operation of the Tuolumne River Regional Park - Dated February, 1972

Agreement, #5 states the following:
"Except as otherwise provided in this agreement, MODESTO shall have and exercise full and exclusive responsibility for the maintenance, operation and control of the Tuolumne River Regional Park, including the employment of all necessary personnel, and the adoption of all regulations necessary for said purposes. MODESTO may enter into contracts or agreements with third parties to carry out any of said purposes, subject to approval by the other parities hereto of the terms of such contracts or agreements. MODESTO is authorized to use its own personnel, equipment and supplies for the maintenance, operation and control of the park....."

II. Use Policy Actions

A. Mission Statement for Use Policy

The primary purpose of the TRRP facility rental program is to broaden the market and encourage and promote the use of TRRP facilities for a variety of positive and safe recreation, park and conservation pursuits, through an efficient and responsive delivery of quality service to public, non-profit, for-profit, and private citizens.

B. Objectives for Use Policy

1. To standardize TRRP rental policies and procedures in accordance with other Department's managed rental programs.
2. To create a positive image of facility management by improving the functions and processes directly related to the facility rental services.
3. To encourage and increase use of rental facilities.
4. To provide well managed, safe and clean facilities that meet Health, Safety and Risk Management Standards.
5. To provide site and/or area supervision of facilities for rental use by regional residents.
6. To enable appropriate staff to make more informed decisions on facility reservations.
7. To generate revenue to offset 100% cost of service for rental facilities.
8. To ensure that all facilities are rented in accordance with TRRP policies and agreements.

C. Facility Rental Categories

1. Policy identifies various rental categories for the purpose of creating greater customer and staff convenience as follows:

B	Buildings
G	Picnic Areas
H	Sport Fields - Soccer
I	Special Community-Wide Events
J	Special Park/Facility Use, Parking Lots and Trails

D. Geographical Service Area for Facility Rentals

1. Policy supports a geographical service area that includes local and regional cities, counties, states and countries.

E. Allow and Increase Versatile Use of Rental Facilities

1. Policy allows for fundraisers[3] by non-profit organizations and for-profit enterprises; and commercial[4] events for-profit enterprises.

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[3] Fundraiser Event: An event that a public or non-profit organization conducts with the intent to collect more money than the actual event expense for the purpose of business operation and/or charitable work of the organization. A For-Profit Enterprise will be permitted to conduct a fundraiser if the Enterprise pays in-full the event costs and donates all funds raised either to the PARKS, RECREATION AND NEIGHBORHOODS Department for specific programs and/or to a non-profit organization, that is approved of, in advance by the PARKS, RECREATION AND NEIGHBORHOODS Department, for charitable work of that organization. A statement of expenses and revenue must be provided to the PARKS, RECREATION AND NEIGHBORHOODS Department.

[4] Commercial Event: An event that a For-Profit Enterprise conducts for the sole purpose of making a profit. All commercial events are managed by the Centre

2. Policy permits Commercial for-profit events at specified sites.

F. Promote Guest Services for Rental Facility Users

1. The TRRP Inter Agency Task Force Report recommends creating a Park Services Position to develop additional services to be offered through the reservation system. Until implemented, the City of Modesto PARKS, RECREATION AND NEIGHBORHOODS Department will continue to: 1) manage, supervise and facilitate the facility rental program, 2) carry-out the day to day procedural requirements relating to rental reservations, 3) coordinate major special events, and 4) carry-out any agreement negotiations; and the O&M Department will continue to: 1) provide direct site and/or area supervision during rental use, and 2) site and/or facility maintenance and repair.

2. Policy provides for the preparation of an RFP for the establishment of a catering pool to provide service for users and a % of the gross for TRRP.

G. Develop a Marketing Strategy

1. Policy allows for brochures, paid ads, logo design and other types of marketing techniques for the promotion of TRRP facilities.
2. Policy allows for research into a variety of techniques for accessing and making rental payments, i.e., Internet, fax, telephone access and credit card, ATM, automatic checking payment.

Plaza management team.

III. Priority of Use and Fee Policy

Use Priority	**Rental Fee Policy**
#1 Resolution, Policy, or Written Agreement	#1 Usage Fee Per Resolution, Policy, or Written Agreement
#2 City of Modesto, City of Ceres, and Stanislaus County (Joint Power Agencies) Department Programs and/or Co-sponsored Programs	#2 25% of Full Fee for all reservable facilities and services Fundraiser: 75 % of Full Fee for all reservable facilities an services sub 1, sub 2, sub 6, sub 11, sub 12, sub 13, sub 14, sul
#3 City of Modesto, City of Ceres, Stanislaus County	#3 50% of Full Fee for all reservable facilities and services Fundraiser: 100% of Full Fee for all reservable facilities a services sub 3, sub 4, sub 11, sub 13, sub 14
#4 Non-Profit and Public Organizations	#4 100% of Full Fee for all reservable facilities a services Fundraiser: 100% of Full Fee for all reservable facilities a services, plus a percentage of event gross as f Revenue Percentage $0 - $2,500 1% $2,501 - $5,000 2% $5,001 - $7,500 3% $7,501 - $10,000 4% $10,000 and over 5% sub 10, sub 11, sub 12, sub 13, sub 14
#5 Private Citizens	#5 100% of Full Fee for all reservable facilities a services – no fundraisers permitted sub 11, sub 12, sub 14
#6 Commercial For-Profit	#6 100% of Full Fee for all reservable facilities a services, plus 10-15% of event gross income Sub 11, sub 12, sub 13, sub 14, sub 15

sub 1 Co-sponsored Program: Program that: 1) is initiated by any joint power agency, 2) is in collaboration and/or partnership with any joint power agency, or 3) has met specific

criteria as set forth by any joint power agency and a written agreement and/or contract has been negotiated and approved.

sub 2 Joint Power Agency staff meetings and other functions where staff attendance is required.

sub 3 Joint Power Agency Adult Sport Leagues - Facilities only during period of time league is conducted. Team must be verifiable on a current league roster.

sub 4 Joint Power Agency functions/activities where staff attendance is not required, but approved by Department.

sub 6 Legion Hall available for use in this category, Monday through Thursday, day and evening use, and Friday, day use, ONLY.

sub 10 Proof of tax-exempt status required.

sub 11 Facility Supervisor may be required and if so, cost is included in rental fee.

sub 12 Insurance certificate and hold harmless agreement as required by Risk Manager must be submitted prior to usage. This requirement may be waived for specific Public Entities.

sub 13 Fundraiser Event: An event that a public or non-profit organization conducts with the intent to collect more money than the actual event expense for the purpose of business operation and/or charitable work of the organization. A For-Profit Enterprise will be permitted to conduct a fundraiser if the Enterprise pays in-full the event costs and donates all funds raised either to the PARKS, RECREATION AND NEIGHBORHOODS Department for specific programs and/or to a non-profit organization, that is approved of, in advance by the PARKS, RECREATION AND NEIGHBORHOODS Department, for charitable work of that organization. A statement of revenue must be provided to the PARKS, RECREATION AND NEIGHBORHOODS Department.

sub 14 Security services are required for all fundraiser and commercial events and any time liquor is served/sold, unless waived by TRRP management staff. User must arrange for security services at additional cost to user.

sub 15 Commercial Event: An event that a For-Profit Enterprise conducts for the sole purpose of making a profit. All commercial events are managed by the Centre Plaza management team.

sub 17 Cost of service must be offset as negotiated with in-kind service such as facility clean-up.

IV. Rental Facility Uses Not Granted

A. Any use by an individual or organization for the commission of any act intended to further any program or movement dedicated to overthrowing the United States or State of California governments by force, violence, or other unlawful means.

B. Any use by an individual or organization for the commission of any act which is prohibited by law or for the commission of any crime.

C. Any use which is inconsistent with the designed use of the rental facility/area.

D. Any use which is discriminatory in the legal sense.

E. Any use which involves the possession, consumption, or sale of any restricted substance. (Note: Permission, upon advance request, may be granted for the sale of alcoholic beverages only at designated facilities/ sites and must be approved by the Alcohol Beverage Control.)

F. Any use by minors under the age of eighteen (18), unless Department approved chaperons, over 18 years of age, are present at all times. Chaperon's name, phone number and address will be required in writing for each chaperon, 30 days prior to the scheduled booking.

G. Any use for casino or Las Vegas gambling type events.

H. Any organization, whose bylaws do not meet Affirmative Action and American with Disabilities guidelines.

I. Any previous violation of TRRP policies, procedures or regulations governing the use of TRRP rental facilities.
The PARKS, RECREATION AND NEIGHBORHOODS Director and/or designee reserves the right to cancel and terminate a permit immediately and without notice upon its discovery of a violation of any term, condition, or provision of the permit on the part of the permittee.
Should any violation occur during rental time by permittee, the PARKS, RECREATION AND NEIGHBORHOODS Director and/or designee, at its discretion, shall have the right to deny any future requests by the permittee for use of any other TRRP property or facilities.

J. Any use of facility for which a fee has not been paid. If a group wishes to set up early for an event, they must reserve and pay for that time in advance, as specified.

V. TRRP Rental Facilities Reservation Procedures

A. Reservation Booking and Payment

Reservation booking can be requested thirteen (13) months in advance after the first day of each month. Fifty percent (50%) of the rental fee must be paid at the time of rental reservation booking, with the balance of al applicable fees (i.e., cleaning/deposit, set-up and flat fees) to be paid prior to ninety (90) days of the rental event date or the rental booking will be cancelled. If rental reservation booking is done by telephone, the fifty percent (50%) rental fee must be paid by credit card ONLY.

If signature renter wishes to walk-through rental facility prior to reservation booking, this can be arranged. If signature renter does a walk-through after reservation booking and decides facility does not meet renter's needs, reservation cancellation policy is in effect.

If booking is made thirty (30) days or less, prior to requested rental time, rental request must be reviewed by supervisor for approval. If approved, all fees due must be paid in full in **cash and/or cash equivalent** only at time of booking.

The PARKS, RECREATION AND NEIGHBORHOODS Director has the right to right to waive any proposed rental reservation booking fee if it is deemed that services rendered are sufficient to cover fee. **Director's decision shall be final.**

The PARKS, RECREATION AND NEIGHBORHOODS Department, as rental manager of TRRP facilities, will make every effort to accommodate reservation booking; however, in the event of an error and/or any other situation rendering the rental facility not useable by the renter, the Joint Power Agencies shall not be liable for damage to the renter in excess of the amount of the rental fee paid for the facility.

B. Facility Set-Up Fee

If signature renter wishes to have rental facility set-up, a facility set-up fee will be charged. If requested, this fee is payable at the same time as the balance of all applicable fees.

C Flat Fees

A.	Alcohol Beverage Permit	$20.00
B.	Cancellation Admin Fee	$25.00
C.	Call Back Duty Fee	$64.00

D. Cleaning/Damage Deposit and Refunds

A cleaning/damage deposit of $100 or one-half (1/2) of the facility rental fee, whichever is greater, may be charged.
Cleaning/Damage: If the rental facility requires cleaning beyond normal facility maintenance, if the rental facility has been damaged as a result of the renter's use, or if renter uses facility beyond hours booked, the cleaning/damage deposit is subject to partial or no refund and shall constitute adequate grounds for denying facility use in the future. Should facility damage/ cleaning costs or hours of use exceed the deposit, the signature renter will be billed for actual costs incurred beyond the deposit. If renter is eligible for full or partial deposit refund, the renter can obtain refund in the same method that the rental fee was paid with the exception of cash and ATM, which will always be refunded by check. Refund time as follows:

Credit Card - will be completed within 3-4 business days
Check - will be completed within 10-14 business days

E. Reservation Key Deposit and Refund

In facility rentals, where applicable, a key deposit fee of $25 will be charged of signature renter at the time of key issue. Key pick-up permitted one (1) business day prior to scheduled rental time.
If key is returned in-person within two (2) business days after scheduled rental, deposit will be refunded in full. If returned after two(2) or more business days after scheduled rental, 50% of deposit will be refunded and shall constitute adequate grounds for denying facility use in the future.

F. Reservation Cancellation Procedure

Date booking fee is due until one-hundred and eighty (180) days prior to scheduled rental time, **25% of rental fee is assessed the renter**.

Date booking fee is due, between one-hundred and seventy-nine (179) days and until thirty (30) days prior to scheduled rental time, **50% of rental fee is assessed the renter**.

Date booking fee is due, between twenty-nine (29) days or less prior to scheduled rental time, **100% of rental fee is assess the renter**.

After canceling rental booking, if the signature renter wishes to leave reservation booking fee in place with the PARKS, RECREATION AND NEIGHBORHOODS Department, and the rental facility is booked by another user group during the same rental date/time and for the same rental fee, a full refund, minus a cancellation admin fee, will be granted. If the rebooking rental fee is less, then the cancellation fee assessed will be for the specified day period that cancellation is submitted, and/or the actual difference between rental fees, whichever is greater.

G. Customer Service Refunds[5]

A full refund of any fee collected will be refunded in full in the following situations:

1. If the PARKS, RECREATION AND NEIGHBORHOODS Department deems that inclement weather prohibited the use of the rental facility,
2. If the signature renter submits a signed physicians release form indicating that the signature renter can not fulfill rental obligations due to physical impairment,
3. If it is determined that the PARKS, RECREATION AND NEIGHBORHOODS Department was in error in processing the rental contract for: 1) double booking, 2) failure to open facility, 3) incorrect key issued, 4) dissatisfaction with the cleanliness of facility, or
4. If, for any reason, the PARKS, RECREATION AND NEIGHBORHOODS Director and/or designee deems that a full refund is in the best interest of the Joint Power Agencies.

H. Rental Facility Waiting List

If rental facility is booked at time of request, requesting party is eligible for placement on waiting list. If facility rental reservation is cancelled on requested date, waiting list requester will be contacted.

I. Required Rental Permits, Licenses, Authorizations by City, County or State Laws (Permit types may include, but not be limited to the following: Dance, ABC, Insurance, Security)

It is the signature renter's responsibility to submit any and all required rental permits to the PARKS, RECREATION AND NEIGHBORHOODS Department twenty (20) business days prior to scheduled rental. Without proper permits, rental use of the facility will be subject to cancellation without reservation fee refund.

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[5] Customer service refunds DO NOT APPLY TO WALK-THROUGH done after booking fee is paid.

J. Signature Renter Responsibilities

1. Shall be present for the entire event duration.
2. Shall be the responsible party for any damage or breakage sustained by the facility or premise. (Should damage or breakage occur, responsibility for repair will be that of the O&M Department and will be made to Department specifications.)
3. Shall be the responsible party for any cleaning/damage fee charged should facility not be left in reasonable condition as found - general cleanup of area including disposal of garbage.
4. Shall be responsible for the implementation of all facility rules and regulations.
5. Shall be responsible for securing facility upon leaving the premise, where applicable.
6. Shall permit inspection by the Fire, Police, and Parks, Recreation and Neighborhoods Department at all times.
7. Shall set up facility for group's needs, unless **facility set-up is requested in advance and the set-up fee has been included in the booking fee.**
8. Shall be responsible for removing any or all equipment, merchandise, property, debris, etc., brought in by said renter, immediately after use and within paid rental time, or the Department reserves the right to remove said items and dispose of and charge renter for additional costs.
9. Shall ensure that facility seating/standing capacities are adhered to.
10. Shall ensure that liquor or smoking does not occur where not permitted and shall ensure that at no time will illegal substances be permitted.
11. Shall not sub-let reservation booking to any other party.
12. Shall not use flammable materials such as bunting, tissue paper, crepe paper, etc. for the purpose of decorating. All materials used for decorating purposes must be approved by the Fire Department.

Tuolumne River Regional Park
Proposed Fees based on Cost of Service
American Legion Hall

	Priority 2		Priority 3		Priority 4, 5 & 6 *	
	reg. use	fundraiser	reg. use	fundraiser	reg. use	fundraiser
Per 4 hours						
Group A (load-in, meetings, other uses without kitchen)						
1999 Fee	$75	$225	$150	$300	$300	$300
2000 Fee	$81	$244	$163	$325	$325	$325
2001 Fee	$88	$263	$175	$350	$350	$350
2002 Fee	$94	$281	$188	$375	$375	$375
2003 Fee	$100	$300	$200	$400	$400	$400
Group B (use of kitchen, no alcoholic beverages)						
1999 Fee	$88	$263	$175	$350	$350	$350
2000 Fee	$94	$281	$188	$375	$375	$375
2001 Fee	$100	$300	$200	$400	$400	$400
2002 Fee	$119	$356	$238	$475	$475	$475
2003 Fee	$125	$375	$250	$500	$500	$500
All other uses						
1999 Fee	$100	$300	$200	$400	$400	$400
2000 Fee	$106	$319	$213	$425	$425	$425
2001 Fee	$113	$338	$225	$450	$450	$450
2002 Fee	$119	$356	$238	$475	$475	$475
2003 Fee	$138	$413	$275	$550	$550	$550
All Day						
Group A (load-in, meetings, other uses without kitchen)						
1999 Fee	$100	$300	$200	$400	$400	$400
2000 Fee	$125	$375	$250	$500	$500	$500
2001 Fee	$150	$450	$300	$600	$600	$600
2002 Fee	$175	$525	$350	$700	$700	$700
2003 Fee	$200	$600	$400	$800	$800	$800
Group B (use of kitchen, no alcoholic beverages)						
1999 Fee	$113	$338	$225	$450	$450	$450
2000 Fee	$138	$413	$275	$550	$550	$550
2001 Fee	$163	$488	$325	$650	$650	$650
2002 Fee	$188	$563	$375	$750	$750	$750
2003 Fee	$213	$638	$425	$850	$850	$850
All other uses						
1999 Fee	$125	$375	$250	$500	$500	$500
2000 Fee	$156	$469	$313	$625	$625	$625
2001 Fee	$188	$563	$375	$750	$750	$750
2002 Fee	$219	$656	$438	$875	$875	$875
2003 Fee	$231	$694	$463	$925	$925	$925

Fundraiser Fee - Priority Category #4:

Gross Revenue	**Fixed % of Gross Revenue**
$0 - $2,500	1%
$2,501 - $5,000	2%
$5,001 - $7,500	3%
$7,501 - $10,000	4%
$10,000 and over	5%

Fundraiser Fee - Priority Category #6: **Negotiated** 10% - 15% of gross revenue

Note: Priority 1 Use Fees are set by Resolution, Policy or Written Agreement

Tuolumne River Regional Park
Proposed Fees based on Cost of Service
Picnic Areas

	Priority 2		Priority 3		Priority 4, 5 & 6 *	
	reg. use	fundraiser	reg. use	fundraiser	reg. use	fundraiser
Mancini or Legion, 10am-3pm or 5pm-10pm						
1999 Fee	$13	$38	$25	$50	$50	$50
2000 Fee	$15	$45	$30	$60	$60	$60
2001 Fee	$18	$53	$35	$70	$70	$70
2002 Fee	$20	$60	$40	$80	$80	$80
2003 Fee	$21	$64	$43	$85	$85	$85
Mancini or Legion, all day						
1999 Fee	$15	$45	$30	$60	$60	$60
2000 Fee	$18	$53	$35	$70	$70	$70
2001 Fee	$20	$60	$40	$80	$80	$80
2002 Fee	$23	$68	$45	$90	$90	$90
2003 Fee	$24	$71	$48	$95	$95	$95
Area A or B, per section, 10am-3pm or 5pm-10pm						
1999 Fee	$13	$38	$25	$50	$50	$50
2000 Fee	$15	$45	$30	$60	$60	$60
2001 Fee	$18	$53	$35	$70	$70	$70
2002 Fee	$20	$60	$40	$80	$80	$80
2003 Fee	$21	$64	$43	$85	$85	$85
Area A or B, per section, all day						
1999 Fee	$15	$45	$30	$60	$60	$60
2000 Fee	$18	$53	$35	$70	$70	$70
2001 Fee	$20	$60	$40	$80	$80	$80
2002 Fee	$23	$68	$45	$90	$90	$90
2003 Fee	$24	$71	$48	$95	$95	$95
Area A, 10am-3pm or 5pm-10pm						
1999 Fee	$31	$94	$63	$125	$125	$125
2000 Fee	$35	$105	$70	$140	$140	$140
2001 Fee	$40	$120	$80	$160	$160	$160
2002 Fee	$45	$135	$90	$180	$180	$180
2003 Fee	$51	$154	$103	$205	$205	$205
Area A, all day						
1999 Fee	$44	$131	$88	$175	$175	$175
2000 Fee	$49	$146	$98	$195	$195	$195
2001 Fee	$54	$161	$108	$215	$215	$215
2002 Fee	$60	$180	$120	$240	$240	$240
2003 Fee	$66	$199	$133	$265	$265	$265
Area B, 10am-3pm or 5pm-10pm						
1999 Fee	$50	$150	$100	$200	$200	$200
2000 Fee	$56	$169	$113	$225	$225	$225
2001 Fee	$63	$188	$125	$250	$250	$250
2002 Fee	$69	$206	$138	$275	$275	$275
2003 Fee	$75	$225	$150	$300	$300	$300
Area B, all day						
1999 Fee	$63	$188	$125	$225	$250	$250
2000 Fee	$69	$206	$138	$250	$275	$275
2001 Fee	$75	$225	$150	$300	$300	$300
2002 Fee	$81	$244	$163	$325	$325	$325
2003 Fee	$88	$263	$175	$350	$350	$350

Fundraiser Fee - Priority Category #4:

Gross Revenue	**Fixed % of Gross Revenue**
$0 - $2,500	1%
$2,501 - $5,000	2%
$5,001 - $7,500	3%
$7,501 - $10,000	4%
$10,000 and over	5%

Fundraiser Fee - Priority Category #6: **Negotiated** 10% - 15% of gross revenue

Note: Priority 1 Use Fees are set by Resolution, Policy or Written Agreement

Tuolumne River Regional Park
Proposed Fees based on Cost of Service
Miscellaneous Areas

Facility	Priority 2		Priority 3		Priority 4, 5 & 6 *	
	reg. use	fundraiser	reg. use	fundraiser	reg. use	fundraiser
Soccerfields						
Per field, per 2 hours						
1999 Fee	$6	$19	$13	$25	$25	$25
2000 Fee	$7	$20	$13	$26	$26	$26
2001 Fee	$7	$20	$14	$27	$27	$27
2002 Fee	$7	$21	$14	$28	$28	$28
2003 Fee	$7	$22	$15	$29	$29	$29
each consecutive 2 hours						
1999 Fee	$3	$8	$5	$10	$10	$10
2000 Fee	$3	$8	$6	$11	$11	$11
2001 Fee	$3	$9	$6	$12	$12	$12
2002 Fee	$3	$10	$7	$13	$13	$13
2003 Fee	$4	$11	$7	$14	$14	$14
Day Camp						
1 pod, all day						
1999 Fee	$3	$8	$5	$10	$10	$10
2000 Fee	$3	$9	$6	$12	$12	$12
2001 Fee	$4	$11	$7	$14	$14	$14
2002 Fee	$4	$12	$8	$16	$16	$16
2003 Fee	$5	$14	$9	$18	$18	$18
3 pods, all day						
1999 Fee	$6	$19	$13	$25	$25	$25
2000 Fee	$8	$24	$16	$32	$32	$32
2001 Fee	$10	$30	$20	$40	$40	$40
2002 Fee	$12	$36	$24	$48	$48	$48
2003 Fee	$14	$41	$28	$55	$55	$55
all (6 pods), all day						
1999 Fee	$13	$38	$25	$50	$50	$50
2000 Fee	$16	$48	$32	$64	$64	$64
2001 Fee	$20	$60	$40	$80	$80	$80
2002 Fee	$24	$72	$48	$96	$96	$96
2003 Fee	$28	$83	$55	$110	$110	$110
Special Event Services	(1)	(2)	(3)	(4)	(4)	(4)

(1) Fees charged at 25% of actual costs on attached table
(2) Fees charged at 75% of actual costs on attached table
(3) Fees charged at 50% of actual cost on attached table
(4) Fees charged at 100% of actual cost on attached table

Fundraiser Fee - Priority Category #4:

Gross Revenue	**Fixed % of Gross Revenue**
$0 - $2,500	1%
$2,501 - $5,000	2%
$5,001 - $7,500	3%
$7,501 - $10,000	4%
$10,000 and over	5%

Fundraiser Fee - Priority Category #6: **Negotiated** 10% - 15% of gross revenue

Note: Priority 1 Use Fees are set by Resolution, Policy or Written Agreement

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-384

A RESOLUTION DIRECTING STAFF TO NOTIFY ALL TUOLUMNE RIVER REGIONAL PARK FACILITY USERS WHO WERE CHARGED INCORRECT RENTAL FEES SINCE JULY 1,1999 AND PROVIDE THEM WITH INFORMATION ON HOW THEY CAN FILE A CLAIM WITH THE CITY FOR REIMBURSEMENT OF THESE RENTAL OVERCHARGES OR HAVE THEIR OVERCHARGES CONTRIBUTED TO THE DEVELOPMENT OF THE PARK.

WHEREAS, on May 18, 1999, staff presented a Use and Fee Policy for the Tuolumne River Regional Park as approved by the TRRP Commission and the TRRP Citizens Advisory Committee, and

WHEREAS, the City Council approved said fees for the Tuolumne River Regional Park with certain exclusions, and

WHEREAS, staff recently learned that some renters of TRRP facilities since July 1, 1999 have been overcharged fees, and

WHEREAS, staff is now recommending that all TRRP facility users who were charged incorrect rental fees since July 1, 1999 be notified and provided with information on how to file a claim with the City for reimbursement of these overcharges, and

WHEREAS, the Safety and Communities Committee met on June 3, 2002, and supported the recommendation to notify all TRRP facility users who were charged incorrect rental fees and provide them with information on how they can file a claim with the City for reimbursement of these rental fee overcharges, and

WHEREAS, the Safety and Communities Committee further recommended that the facility renters be offered the opportunity to donate their overpayment to the Regional Park fund to be used toward development of the Park,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby directs staff to notify all Tuolumne River Regional Park facility users who were charged incorrect rental fees since July 1,1999, and provide them with information on how they can file a claim with the City for reimbursement of these rental fee overcharges or have their overcharges contributed to development of the Regional Park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: _____
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-385

A RESOLUTION APPROVING THE DESIGN DEVELOPMENT REPORT AND MASTER PLAN INCLUDED THEREIN FOR USTACH NEIGHBORHOOD PARK

WHEREAS, on March 13, 2002, the City of Modesto entered into an agreement with Camp Dresser & McKee, Inc. for the preparation of a Design Development Report, which includes the Master Plan, for Ustach Neighborhood Park, and

WHEREAS, prior to adopting the Design Development Report, the California Environmental Quality Act (CEQA) requires that the City of Modesto consider the environmental consequences of the proposed project, and

WHEREAS, on July 1, 2002, the Safety and Communities Committee recommended approval of the Ustach Neighborhood Park Design Development Report, and

WHEREAS, by an agenda report dated July 18, 2002 from the Parks, Recreation and Neighborhoods Director, staff recommended to the Council approving the Ustach Neighborhood Park Design Development Report, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, on August 8, 2002, concurrent with this resolution, the Modesto City Council considered and made certain findings contained in Initial Study EA/PR&N 2002-04, which finds that the potential environmental effects of Ustach Neighborhood Park have been adequately addressed by the previously certified Village One Specific Plan Program EIR as amended by the Supplemental EIR (SCH No. 90020181), and that the Ustach Design Development Report dated July 2002, is within the scope of and

contemplated by the Village I Specific Plan Program EIR, as amended by the Supplemental EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds that the Ustach Neighborhood Park Design Development Report is complete and adequate, and it hereby approves the Ustach Neighborhood Park Design Development Report, and Master Plan included therein, a copy of which is on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Marilyn Kirney
for JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-386

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE SCOPE OF THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: USTACH NEIGHBORHOOD PARK

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report ("EIR") (State Clearinghouse No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24,1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, City staff prepared an Initial Study, Environmental Assessment No. PR&N 2002-04, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Safety and Communities Committee met on July 1, 2002, and supported the recommendation to find that the project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on August 8, 2002 at 5:30 p.m. in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/PR&N 2002-04 "City of Modesto Initial Study Ustach Neighborhood Park (Village One – Precise Plan Area #15)", for the proposed project, and the Council hereby makes the following findings:

A. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR, as modified by the Supplemental EIR (SCH No. 90020181).

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

C. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Village One Specific Plan Program EIR, as modified by the Supplemental EIR, was certified as complete shows any of the following:

1. That the project will have any significant effects that were not discussed in the Village I Final EIR, as amended by the Village I Supplemental EIR; or

2. That any significant effects previously examined will be substantially more severe than shown in the Village I Final EIR, as amended by the Village I Supplemental EIR; or

3. That any mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project; or

4. That mitigation measures or alternatives which are considerable different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment.

D. The initial study provides substantial evidence to support findings A, B and C, above.

A copy of said Environmental Assessment No. EA/PR&N 2002-04, entitled "City of Modesto Initial Study Ustach Neighborhood Park (Village One – Precise Plan Area #15)", is attached hereto as **Exhibit "A"**, and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: _____
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

RESOLUTION 2002-386

EXHIBIT A

City of Modesto
Initial Study

Ustach Neighborhood Park
(Village One - Precise Plan Area #15)

EA/PR&N 2002-04
June 20, 2002

I. PURPOSE

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Section 15168 (c) (2) of the CEQA Guidelines states that for a Program EIR if the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.

Section 15162 of the CEQA Guidelines states that when an EIR has been certified for a project no subsequent EIR shall be prepared for that project, if the following findings can be made:

A. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.

B. The project will have no new effects, which were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.

C. No substantial changes are proposed in the project, which will require major revisions of the environmental impact report.

D. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report

E. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The purpose of this Initial Study is to provide the substantial evidence for the above findings.

II. PROJECT DESCRIPTION

A. Project title:
Ustach Neighborhood Park (Village One - Precise Plan Area #15)

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:
Nathan Houx, City of Modesto, Parks, Recreation and Neighborhoods Department, (209) 571-5526

D. Project Location:
The Village One Specific Plan area between Sylvan and Floyd Avenues and Oakdale Road and Roselle Avenue. (see attached Exhibit "A")

E. Project Sponsor:
City of Modesto, 1010 Tenth Street, Modesto, CA 95354

F. General Plan Designation:
Village Residential (VR)

G. Current Zoning:
Specific Plan-Holding (SP-O) Zone

H. Description of Proposed Project:
This project will construct a 9 acre neighborhood park in precise plan area #15 of the Village One Specific Plan. The park will be developed including grading, paving, underground utilities, landscaping, irrigation system, game courts, water play area, family picnic areas, children's play area with play apparatus, park furniture, picnic shade structure, restroom facility, walking paths and security lighting (see attached Exhibit "B"). This project includes adoption of Master Plan, Design Development Report, Construction Documents and subsequent construction.

I. Surrounding land uses:
The project area is adjoined on the north by currently developing single-family subdivisions, on the east by a dual-use storm drainage basin, to the south by Ustach Middle School and to the west by agricultural parcels designated in the Village One Specific Plan for an Elementary School.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH SECTION 15162 FINDINGS

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report

Following is an analysis of how there are no substantial changes proposed in the project, which would require major revisions of the Village One Specific Plan Program EIR, as modified by the Supplemental EIR:

1. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The proposed construction of Ustach Neighborhood Park would not generate traffic impacts not already identified in the Program EIR because it would not interfere with traffic flow within or through the neighborhood. An amendment to precise plan area No. 14 of the Village One Specific Plan to realign Bear Cub Lane was studied and found to be consistent (EA/CDD 2001-41) with the Village One Specific Plan EIR. The proposed project does not plan any changes to the circulation system within or through the neighborhood and is consistent with the Village One Specific Plan. Therefore, impacts to traffic and circulation for this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Air quality impacts for this project are directly related to traffic impacts. Because the traffic impacts for this project are consistent with those in the Village One Specific Plan EIR, air quality impacts are also consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

3. Generation of Noise

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The proposed project is consistent in scope and size to what is proposed in the Village One Specific Plan (pages III-36 through III-40). Noise setbacks for residential units would still be required. Therefore, the noise impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

4. Vegetation and Wildlife

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The proposed project is consistent in scope and size to what is proposed in the Village One Specific Plan (pages III-36 through III-40). Also, the project is not in or near a Potential Biological Study Area as identified in the City of Modesto Urban Area

General Plan Master EIR (Figure 7-1). Therefore, the impacts to vegetation and wildlife of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

5. Land Use

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. As indicated in the Initial Study for the Amendment to Precise Plan Area No. 14 (EA/CDD 2001-41), the realignment of Bear Cub Lane increased the amount of land available for both park facilities and storm drainage facilities. Thus providing a higher level of service in regard to recreation and drainage. Compatibility between the park and dual use basin is assured by the application of development standards contained in the Dual Use Basin Design Standards Manual. All mitigation measures incorporated in the Negative Declaration for a General Plan Amendment to allow Dual Use Flood Control/Recreation Facilities in the Modesto Urban Area (EA/CDD 2000-58) will be included in the design of the Dual Use Basin. The proposed project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

6. Population, Employment and Housing

Impacts to population, employment and housing are analyzed on pages III-95 through III-99 of the Supplemental EIR. The proposed project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to population, employment and housing of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

7. Urban Design and Visual Quality

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The proposed project is consistent with the Village One Specific Plan in terms of land use, intensity and urban design. Compatibility between the park and dual use basin is assured by the application of development standards contained in the Dual Use Basin Design Standards Manual. Therefore, the impacts to urban design and visual quality of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

8. Geology and Soils

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The proposed project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to geology and soils of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

9. Hydrology

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. As indicated in the Initial Study for the Amendment to Precise Plan Area No. 14, the dual use park/storm basin will be designed to comply with the adopted Dual Use Basin Design Standards Manual. Thus, ensuring water quality for urban runoff and appropriate recharge of groundwater is achieved consistent with NPDES standards. The proposed project will drain into the storm water system that feeds the Dual Use Basin across Bear Cub Lane and is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to hydrology of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

10. Public Services

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The proposed project is consistent with the Village One Specific Plan in terms of land use and intensity, and would not create any additional demand for public services that are in excess of those analyzed by the Village One EIR. In fact, along with the realignment of Bear Cub Lane, public service in regard to recreation will be improved with the proposed park project. Therefore, the impacts to public services of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

11. Fiscal Impacts

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. Since the park and dual use basin across Bear Cub Lane would provide increased efficiencies in the use of land, there would be a corresponding reduction in fiscal impacts for operation of the facilities as mentioned in the Initial Study for the Amendment to Precise Plan Area No. 14. The proposed project is consistent with the Village One Specific Plan in terms of land use, intensity and estimated cost. Therefore, the fiscal impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

12. Cumulative Impacts

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. Because the proposed project is consistent with the Village One Specific Plan in terms of land use and intensity, there would be no significant additional cumulative impacts not already identified in the Program EIR. Therefore, the cumulative impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

13. Growth Inducing Impacts

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. Because the proposed project is consistent with the Village One Specific Plan in terms of land use and intensity, there would be no significant additional growth-inducing impacts not already identified in the Program EIR. Therefore, the growth-inducing impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

IV DISCUSSION OF SECTION 15162 FINDINGS

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.

The Village One Specific Plan Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the development or infrastructure financing proposed for the Village One project under which this project is being undertaken which will require major revisions in the Village One Program EIR.

B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report

The Village One Specific Plan Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Village One Program EIR.

C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available

The Village One Specific Plan Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there is no new information, which was not known at the time the Program EIR was certified, has become available, that would change the conclusions of the EIR.

V. CONCLUSIONS/DETERMINATIONS OF FINDINGS

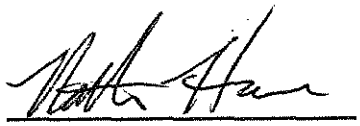
A. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

C. No new information, which was not known and could not have been known at the time the Village One Specific Plan Program EIR, as modified by the Supplemental EIR, was certified as complete, has become available.

D. This initial study provides substantial evidence to support findings A, B and C, above.

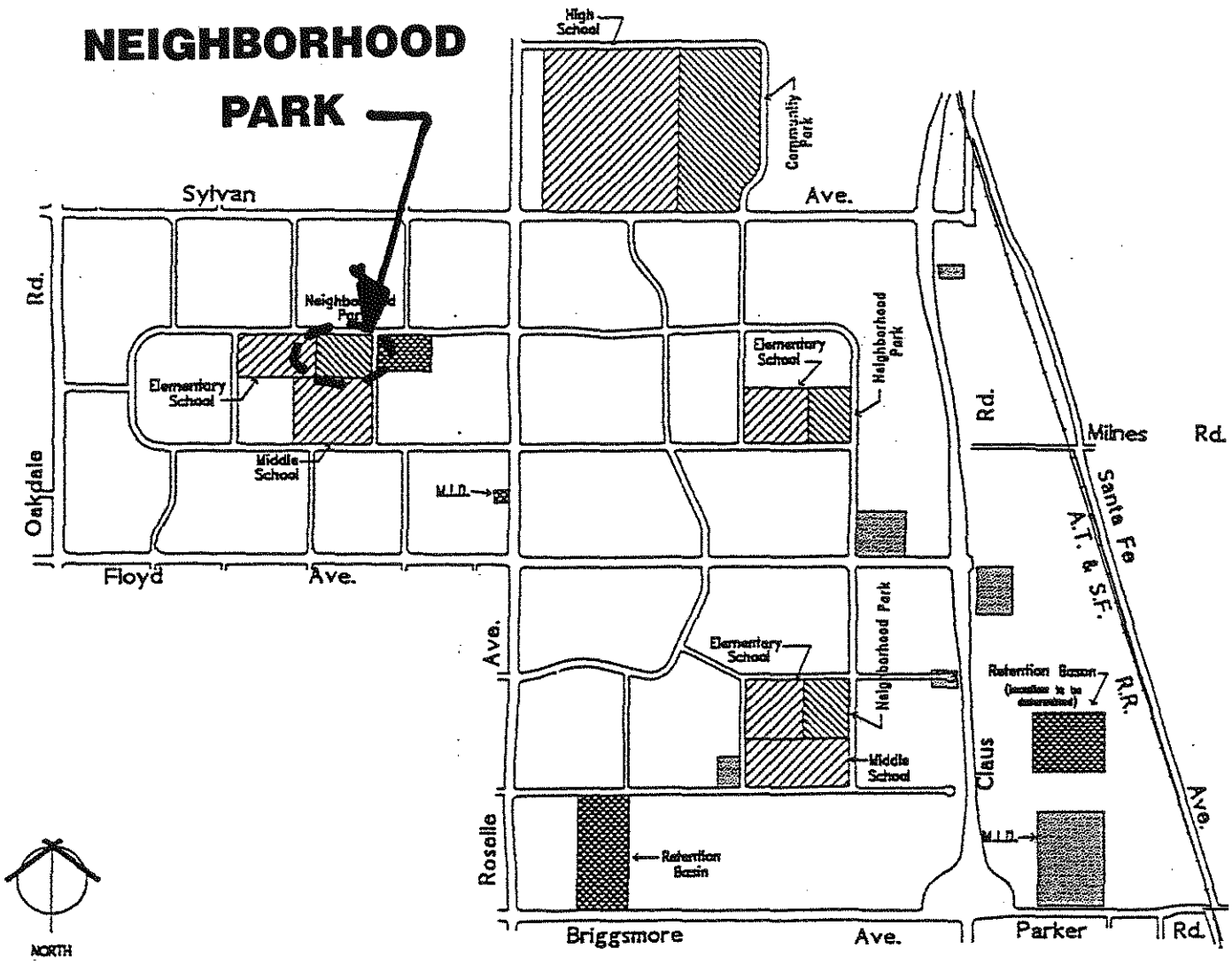
Signature:



Nathan Houx
Project Coordinator
City of Modesto, Parks, Recreation and Neighborhoods Department

Exhibit "A"

Project Site Map



SCHOOLS:
3 Elementary Schools (30 acres total)
2 Middle Schools (35 acres total)
1 High Schools (62 acres)

TOTAL 127 acres

EXISTING FACILITIES:
5 Existing Churches (21 acres total)
2 M.I.D. Substations (23 acres total)

TOTAL 44 acres

PARKS:
3 Neighborhood Parks (22 acres total)
1 Community Park (39 acres)
Linear Recreational (6 acres)

TOTAL 67 acres

STORM WATER FACILITIES

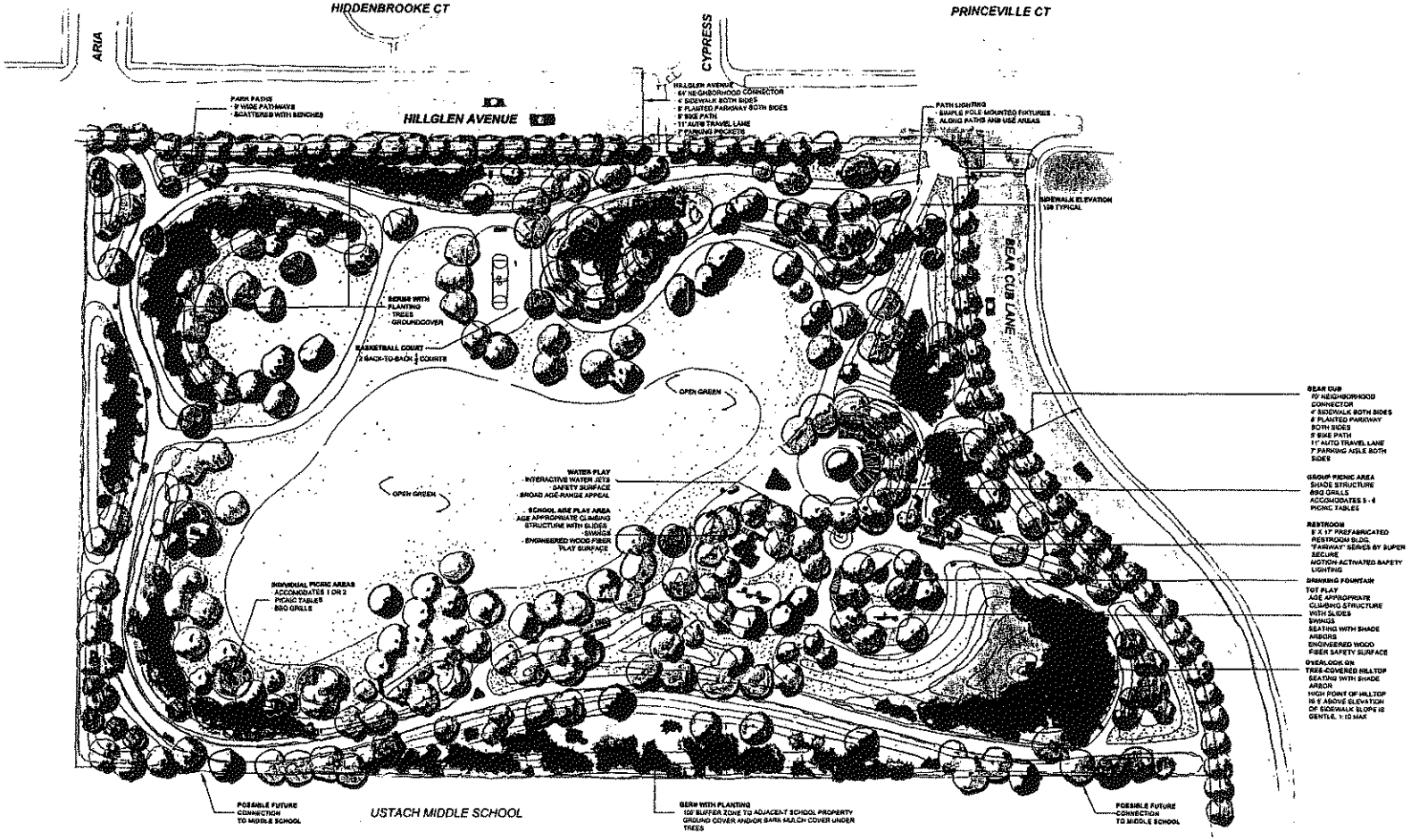
3 Retention Basins

TOTAL 33 acres

FIGURE II-24
Illustrative Public Facilities

Exhibit "B"

Ustach Neighborhood Park Draft Master Plan



CITY of MOD

City of Modesto
Parks, Recreation
and Neighborhoods

USTACH PARK

DEVELOPMENT MASTER PLAN

NORTH

0 20 40 80 120

SCALE: 1"=40'-0"

RHAA

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-387

A RESOLUTION DIRECTING STAFF TO ARRANGE FOR THE MOST REASONABLE AIRFARE AND ACCOMMODATIONS, USING FUNDS ALREADY APPROVED IN THE BUDGET, TO ALLOW THE MAYOR, OR COUNCILMEMBER JACKMAN, AS ALTERNATIVE, TO ATTEND THE INTERNATIONAL NATIONS IN BLOOM ANNUAL MEETING AND TO PRESENT INFORMATION ON MODESTO BEFORE THE PANEL OF JUDGES.

WHEREAS, in May of 2002, the City of Modesto entered an international competition called Nations in Bloom which is sponsored by several groups including the National Parks and Recreation Association, the United Nations and other international organizations that focus on environmental and community livability issues, and

WHEREAS, the purpose of the competition is to allow communities to be recognized and to share information about best practices in five primary areas: enhancement of the landscape, heritage management, environmentally sensitive practices, community involvement and planning for the future, which closely parallels the Council adopted Strategic Plan, and

WHEREAS, on July 15, 2002, the City was notified that it was a finalist in the competition, and

WHEREAS, a presentation before a panel of international judges in October, 2002, is required to continue in the competition, in Stuttgart, Germany,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to notify Nations in Bloom that the City of Modesto will continue in the competition and make the necessary travel arrangements.

BE IT FURTHER RESOLVED that staff is directed to arrange the most reasonable airfare and accommodations using funds already approved in the budget for

the Mayor, or Councilmember Jackman, as alternate, to travel to Stuttgart, Germany from October 2nd to October 7, 2002,

BE IT FURTHER RESOLVED that any donations received will be used for the preparation of the presentation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Keating, Mayor Sabatino
NOES:	Councilmembers:	Conrad, Jackman, O'Bryant
ABSENT:	Councilmembers:	None

ATTEST: Marilyn Roney
for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 -388

A RESOLUTION ACCEPTING STAFF REPORT ON THE DISPOSAL CAPACITY OF THE CITY OF MODESTO WATER QUALITY CONTROL FACILITY AT JENNINGS ROAD AND DIRECTING STAFF TO CONTINUE EVALUATION OF THE DISPOSAL CAPACITY DURING THE CURRENT DRY YEAR.

WHEREAS, in 2001, staff concerns regarding disposal capacity at the Water Quality Control Facility on Jennings Road (Secondary Site) led to a review and update of the Water Quality Control 1995 Master Plan, and

WHEREAS, said report was completed in April 2002 by DHJ Engineering, and

WHEREAS, said report indicates that during a dry weather year the disposal capacity of the Secondary Site is inadequate for the amount of flow coming into the Secondary Site, and

WHEREAS, this information has impacts on the City of Modesto's ability to provide for current needs and future economic growth as stated in the City's Strategic Plan, and

WHEREAS, this report was reviewed by the Council Economic Development Committee on July 8, 2002,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Disposal Capacity Report be, and it is, hereby accepted.

BE IT FURTHER RESOLVED, that City staff shall continue to evaluate the dry year impacts on disposal capacity and provide periodic Council updates as appropriate.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Councilmember Frohman, who moved its adoption, which motion being duty seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Marilyn Rooney
for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-389

WAS NOT USED

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-390

A RESOLUTION DIRECTING STAFF TO PROCEED WITH DEVELOPMENT OF A PROPOSAL FOR COMMERCIAL FOOD WASTE COMPOSTING AND TO INCLUDE AN ASSESSMENT OF THE POTENTIAL TO USE ALTERNATIVE FUELS TO PROVIDE ELECTRICITY FOR TERTIARY TREATMENT OF WASTEWATER IN THE FEASIBILITY STUDY FOR A REGIONAL WASTEWATER TREATMENT FACILITY

WHEREAS, at the July 23, 2002, City Council meeting, Solid Waste Management staff provided an overview of the Waste-to-Energy project and potential future options for addressing waste management and energy needs for the Council's consideration, and

WHEREAS, staff evaluated four potential alternatives for increasing the diversion of solid waste, and provided the Council with information on the pros and cons of each of these alternatives, and

WHEREAS, these alternatives included Waste-to-energy, enhanced recycling, organics composting, and biofuel-to-energy, and

WHEREAS, staff's recommendation was that the City pursue developing

a commercial food waste composting program, and

WHEREAS, staff also concluded that biofuel-to-energy projects have significant potential for local implementation that should be evaluated further, since these projects have the potential not only to divert additional waste and generate electricity, but could also help address several critical environmental issues for Modesto and the region in general, including water quality, air quality, manure management, and wastewater treatment, and

WHEREAS, staff further recommended that this alternative be pursued, and that the feasibility study for a regional wastewater treatment facility include an assessment of the potential to use alternative fuels to provide electricity for tertiary treatment of wastewater, and

WHEREAS, the Economic Development Committee considered this item at their July 8th, 2002, meeting and recommended that the Council direct staff to proceed with developing a proposal for commercial food waste composting, and to include an assessment of the potential to use alternative fuels to provide electricity for tertiary treatment of wastewater in the feasibility study for a regional wastewater treatment facility,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council concurs with the Economic Development Committee's recommendations and hereby directs staff as follows:

1. Proceed with developing a proposal for commercial food waste composting.
2. Include in the feasibility study for a regional wastewater treatment facility an assessment of the potential to use alternative fuels to provide electricity for tertiary treatment of wastewater.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)
APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

RESCINDED
03-28-2006
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2006-183

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-391

A RESOLUTION AMENDING POLICY FOR THE USE OF CELL PHONES BY MEMBERS OF THE MODESTO CITY COUNCIL AND RESCINDING RESOLUTION NO. 2002-77.

WHEREAS on February 12, 2002, the City Council adopted Resolution 2002-77 with respect to the use of City owned cell phones by members of the City Council and reimbursement to City for personal calls made on City owned cellular phones, and

WHEREAS, the City Council wishes to amend the Policy contained in Resolution 2002-77 to include use of and reimbursement for City business- related use of Councilmembers' private cellular phones, or to receive a "Technology Allowance" as set forth in the Council Policy marked **Exhibit "A",** which is attached hereto and incorporated herein by reference, and

WHEREAS, the City Council hereby finds and determines that it is in the public interest for the City Council to adopt such a policy,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Every member of the Modesto City Council may use a City cellular telephone upon request or may elect to be reimbursed for City business usage on a private cellular phone, or receive a Technology Allowance. The request shall be made to the City Manager. Should the Councilmember elect to use a City cellular phone, the City and not the Councilmember will purchase the cellular telephone. The Purchasing Division of the Finance Department will be utilized to ensure that the purchase of each

such cellular telephone is cost effective and that subsequent maintenance charges are reasonable.

SECTION 2. If the phone is damaged, lost, or fails to work properly, the Councilmember will notify the City Manager's office immediately. In case of theft, the Watch Commander of the Modesto Police Department shall be notified immediately. The Councilmember assigned to the phone is responsible for its security. If repair or replacement is necessary, the Councilmember should notify the City Manager who shall then notify the Purchasing Division of the Finance Department to make arrangements for the repair or replacement. Each Councilmember who is issued a phone is responsible for the maintenance and care of the phone and any ancillary equipment.

SECTION 3. Any such cellular telephone provided to a Councilmember is to be used for official City business only. Notwithstanding that cellular telephones issued to Councilmembers are provided primarily for City businesses, it is recognized that occasional use to send or receive personal calls may occur. It shall be the responsibility of each Councilmember to review monthly bills to identify personal calls and to also maintain a record of all personal calls received. Councilmembers who use or have access to a City cellular phone pursuant to this policy shall reimburse the City promptly for any personal use.

SECTION 4. Elected officials may elect to use their personal cell phones to conduct City business rather than receive a City-provided phone, or the elected officials may elect to receive a "Technology Allowance." If the elected official wishes to be reimbursed for the City business-related calls, then the elected official shall be required to submit original invoices to the City in accordance with procedures established by the City

Manager and City Clerk/Auditor as outlined in the attached City Council Policy, "Mayor and City Councilmember Use and Reimbursement for Use of Cellular Phones on City Business."

SECTION 5. Resolution No. 2002-77 is hereby rescinded effective upon the adoption of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Keating
ABSENT:	Councilmembers:	None

ATTEST: Marilyn Ramey
for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

City Council Policy

Effective Date: _____
Policy No:_____
Approved by City Council
Resolution # _____
City Department: _____

Subject: Mayor and City Councilmember Use and Reimbursement for Use Of Cellular Phones on City Business

Purpose:

The purpose of this policy is to:

1) Establish the policy for use of cell phones by the Mayor and City Council members who use cellular phones to conduct City business; and

2) Establish the procedure for reimbursing elected officials for cell phone usage while conducting City business.

Policy:

It is the policy of the City of Modesto to provide for the cellular phone communication needs of elected officials while conducting City business. Elected officials may use their personal cell phones for City business or the City will provide a City purchased cellular phone, or the elected officials may take a flat-sum technology allowance, depending upon the wishes of the elected official.

Cell Phone Use and Reimbursement:

The City offers three options for cell phone use and reimbursement.

Option A: Cell phone provided by City of Modesto

- Mayor $99.99/month plan includes 1200 minutes
- Councilmember $69.99/month plan includes 800 minutes
- All records have public access
- Personal calls shall be reimbursed to the City based on the following formula: number of personal airtime minutes divided by the total number of airtime minutes multiplied by the total monthly cost including roaming charges and taxes.

Option B: Elected Official Use of Private Cell Phone for City Business

- City calls shall be reimbursed to the official using the following formula: number of City business airtime minutes divided by the total number of airtime minutes multiplied by the total monthly cost including roaming charges and taxes.
- City will not reimburse for "incoming calls" unless documentation can support that the call was business related.
- City will not reimburse for an amount greater than the base amount for a City provided phone.

Option C: Monthly "Technology Allowance"

- Mayor to receive $150/month technology allowance
- Councilmembers to receive $100/month technology allowance
- Monthly technology allowance can be used toward cell phones, DSL access, PDA
- Privacy for records

Personal calls should be kept to a minimum. If the elected official makes personal calls on a City provided phone, then the elected official is responsible to reimburse the City for the cost of these calls. The Mayor/Council Office Executive Assistant will provide assistance by preparing the appropriate reimbursement calculations as well as deposit forms to properly record the receipt of the elected official's personal check for reimbursement of personal phone calls.

Damaged or Lost City-Provided Cell Phones:

If the City-provided cell phone is damaged, lost, or fails to work properly, the Councilmember will notify the City Manager's Office immediately. The Councilmember assigned to the phone is responsible for its security. If repair or replacement is necessary, the Councilmember should notify the City Manager who shall then notify the Purchasing Division of the Finance Department to make arrangements for the repair or replacement. Each Councilmember who is issued a phone is responsible for the maintenance and care of the phone and any ancillary equipment.

Elected Official Use of private Cell Phone for City Business

If the elected official wishes to be reimbursed for the business calls, then the elected official shall be required to submit the *original* monthly cell phone billing to the Mayor/Council office Executive Assistant indicating which calls were City business related phone calls. The Executive Assistant will then prepare the appropriate claim for reimbursement apportioning the monthly billing costs between personal and City business related, including the apportionment of taxes and roaming charges. The elected official requesting reimbursement shall review and approve the claim form prior to submission to the City Manager, Finance and the City Clerk for payment processing.

The Purchasing Division of the Finance Department will be utilized to ensure that the purchase of each cellular telephone is cost effective and that subsequent service/maintenance charges are reasonable.

Review/Approval Reimbursement Process

Claims for reimbursement of expenses incurred on personal cell phone while conducting City business shall be submitted to the City within 90 days of the invoice billing date in which the reimbursable call is made or not later than 45 days after leaving office, and will be reviewed and approved by the City Manager and the Clerk/Auditor prior to processing by the Finance Department.

Reimbursement to the City for personal calls on City purchased cell phones shall be paid to the City within 90 days of the invoice billing date in which the reimbursable call is made or not later than 45 days after date of leaving office.

Exhibit "A"

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-392

A RESOLUTION AUTHORIZING REIMBURSEMENT OF CITY BUSINESS RELATED CELLULAR PHONE CALLS TO FORMER MODESTO CITY COUNCILMEMBER MIKE SERPA

WHEREAS, Former Modesto City Councilmember Mike Serpa did incur City business-related expenses while utilizing his personal cellular phone from June 2000 to February 2002, and

WHEREAS, Modesto Municipal Code section 2-4.01 provides that all officers, including elected officials, are entitled to reimbursement for costs incurred while conducting City business, and

WHEREAS, no written adopted City Council policy existed during the term of former City Councilmember Mike Serpa for such reimbursement, and

WHEREAS, former City Councilmember Mike Serpa filed a claim for reimbursement of cellular phone costs incurred on his personal cellular phone at the time he left office in February 2002,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it authorizes the City Manager and the City Clerk/Auditor to reimburse former City Councilmember Mike Serpa in the amount of $1,370.66 for business-related cellular phone expenses incurred by him from June 2000 to February 2002 while conducting City business.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Councilmember Fisher, who

moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Keating
ABSENT:	Councilmembers:	None

ATTEST: _____
for JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Option C: Monthly "Technology Allowance"

- Mayor to receive $150/month technology allowance
- Councilmembers to receive $100/month technology allowance
- Monthly technology allowance can be used toward cell phones, DSL access, PDA
- Privacy for records

Personal calls should be kept to a minimum. If the elected official makes personal calls on a City provided phone, then the elected official is responsible to reimburse the City for the cost of these calls. The Mayor/Council Office Executive Assistant will provide assistance by preparing the appropriate reimbursement calculations as well as deposit forms to properly record the receipt of the elected official's personal check for reimbursement of personal phone calls.

Damaged or Lost City-Provided Cell Phones:

If the City-provided cell phone is damaged, lost, or fails to work properly, the Councilmember will notify the City Manager's Office immediately. The Councilmember assigned to the phone is responsible for its security. If repair or replacement is necessary, the Councilmember should notify the City Manager who shall then notify the Purchasing Division of the Finance Department to make arrangements for the repair or replacement. Each Councilmember who is issued a phone is responsible for the maintenance and care of the phone and any ancillary equipment.

Elected Official Use of private Cell Phone for City Business

If the elected official wishes to be reimbursed for the business calls, then the elected official shall be required to submit the *original* monthly cell phone billing to the Mayor/Council office Executive Assistant indicating which calls were City business related phone calls. The Executive Assistant will then prepare the appropriate claim for reimbursement apportioning the monthly billing costs between personal and City business related, including the apportionment of taxes and roaming charges. The elected official requesting reimbursement shall review and approve the claim form prior to submission to the City Manager, Finance and the City Clerk for payment processing.

The Purchasing Division of the Finance Department will be utilized to ensure that the purchase of each cellular telephone is cost effective and that subsequent service/maintenance charges are reasonable.

Review/Approval Reimbursement Process

Claims for reimbursement of expenses incurred on personal cell phone while conducting City business shall be submitted to the City within 90 days of the invoice billing date in which the reimbursable call is made or not later than 45 days after leaving office, and will be reviewed and approved by the City Manager and the Clerk/Auditor prior to processing by the Finance Department.

Reimbursement to the City for personal calls on City purchased cell phones shall be paid to the City within 90 days of the invoice billing date in which the reimbursable call is made or not later than 45 days after date of leaving office.

Exhibit "A"

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-393

RESOLUTION OF THE CITY OF MODESTO APPROVING THE PROPERTY SALES AGREEMENT BETWEEN THE COUNTY OF STANISLAUS AND THE CITY OF MODESTO FOR THAT CERTAIN PROPERTY LOCATED AT 12TH & I STREETS IN THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO SAID PROPERTY SALE.

WHEREAS, the Redevelopment Agency of the City of Modesto, on August 8, 2000, approved a Disposition and Development Agreement (the "DDA") with Westland Development Company, LLC, a California limited liability company whose members are Craig A. Mangano, an individual, and SHP Development Co., a general partnership (the "Developer"), and

WHEREAS, said DDA provides for the acquisition and sale of that certain real property located within the Redevelopment Project Area at the southeast corner of 12th & I Streets which property is shown on attached **"Exhibit A"** which is made a part hereof by this reference (the "Site"), and

WHEREAS, the DDA provides for, among other things, the development of an Office Project on the Site as more particularly described in the DDA and in related documents and agreements between the City of Modesto, the Modesto Redevelopment Agency (the "Agency"), the Developer and Stanislaus County (the "County"), in conjunction with the construction of the Parking Garage pursuant to a Parking Agreement by and between the Developer and the County, and

WHEREAS, the Developer has negotiated with the County for a Revised Office Project on said Site which will include, among other uses, offices for the Stanislaus County District Attorney and which will also include a condominium parcel owned by the Developer, and

WHEREAS, as part of said Revised Office Project, the County will purchase said Site from the City for a appraised purchase price of $245,000 and will also construct said Revised Office Project on said Site and own approximately sixty percent (60%) of said Revised Office Project and Developer will own the remainder, and

WHEREAS, the Economic Development Committee reviewed this property sale at their meeting on August 1, 2002 and recommended the approval of said sale to the Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves said property sale of said Site as shown on **"Exhibit A".**

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby directs and authorizes the City Manager to take appropriate actions and execute all required documents to complete the sale and transfer of said parcel to the County of Stanislaus for purposes of constructing said Revised Office Project. No such documents or agreements shall be signed until the City Council and/or the Modesto Redevelopment Agency approves all the necessary companion agreements for the development of the "Renaissance Project".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

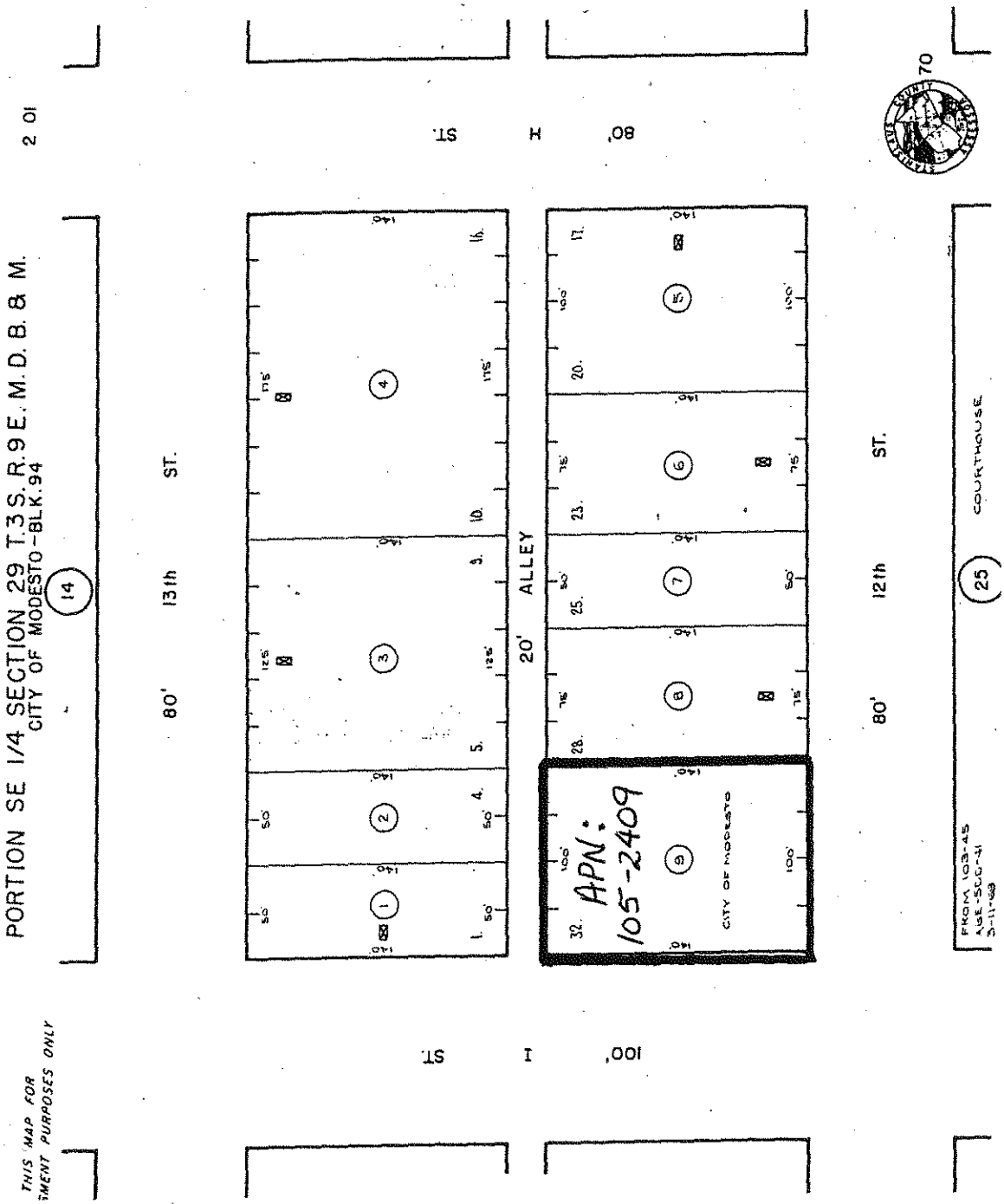
Approved as to Form

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

ATTACHMENT NO. 1

MAP OF THE SITE



Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-394

A RESOLUTION SUBMITTING THE DIRECT GROWTH INITIATIVE TO THE QUALIFIED ELECTORS OF THE CITY OF MODESTO AT THE NEXT REGULAR MUNICIPAL ELECTION.

BE IT RESOLVED by the City Council of the City of Modesto as follows:

SECTION 1. BALLOT MEASURE. Pursuant to Section 9603 of the Elections Code, the Council of the City of Modesto proposes to, and hereby does, on its own motion, submit to the qualified electors of the City of Modesto at a regular municipal election to be held on November 4, 2003, an advisory measure advising the Stanislaus County Board of Supervisors to direct urban development into the incorporated areas of Stanislaus County. On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question:

CITY OF MODESTO MEASURE_____
City of Modesto Direct Growth Initiative
ADVISORY VOTE ONLY

In order to minimize sprawl, reduce transportation costs, maintain farmland, and secure the fees necessary to provide for the cost of needed services, shall the Stanislaus County Board of Supervisors direct urban development into the incorporated cities of Stanislaus County?	YES NO

SECTION 2. CONDUCT OF ELECTION. The advisory election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, the advisory election shall be held as provided for in the City Charter, and in all particulars not provided for therein, the

advisory election shall be held as provided by law for the holding of advisory elections and regular municipal elections in the City of Modesto and otherwise in accordance with the Elections Code of the State of California.

SECTION 3. CITY CLERK CERTIFICATION. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

SECTION 4. CEQA FINDING. The City Council finds that the submittal of the Initiative is not a project subject to CEQA. The rational for this finding is that the Direct Growth Initiative is merely an advisory measure allowing the citizens of Modesto to advise the Board of Supervisors of Stanislaus County to direct urban development into the incorporated cities of Stanislaus County. The outcome of the election does not commit either the City or the County to any definite course of action and/or a chain of events that could lead to a change in the physical environment. The Stanislaus County Board of Supervisors could determine to direct urban development into the incorporated cities or not regardless of the outcome of the election. Accordingly, it can be seen with certainty that there is no possibility that the passage or defeat of the Direct Growth Initiative may have a significant effect on the environment, and the submittal of the Initiative to the voters is exempt from CEQA requirements pursuant to Section 15061(b)(3) of the CEQA Guidelines.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Mayor Sabatino
NOES:	Councilmembers:	Conrad, Keating, O'Bryant
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-395

A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE ADVISORY MEASURE PROPOSING TO ADVISE THE STANISLAUS COUNTY BOARD OF SUPERVISORS TO DIRECT URBAN DEVELOPMENT INTO THE INCORPORATED CITIES OF STANISLAUS COUNTY TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE.

WHEREAS, the Modesto City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 4, 2003, an advisory measure proposing to advise the Stanislaus County Board of Supervisors to direct urban development into the incorporated cities of Stanislaus County to the City Attorney for the purpose of preparing an impartial analysis of said measure,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an Impartial Analysis of the measure showing the effect of the measure on existing law on the operation of the measure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Mayor Sabatino
NOES:	Councilmembers:	Conrad, Keating, O'Bryant
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-396

A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE ADVISORY MEASURE PROPOSING TO ADVISE THE STANISLAUS COUNTY BOARD OF SUPERVISORS TO DIRECT URBAN DEVELOPMENT INTO THE INCORPORATED CITIES OF STANISLAUS COUNTY TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE.

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 4, 2003, an advisory measure relating to an advisory measure proposing to advise the Stanislaus County Board of Supervisors to direct urban development into the incorporated cities of Stanislaus County to the City Attorney for the purpose of preparing an impartial analysis of said measure

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no argument may be filed with the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Mayor Sabatino
NOES:	Councilmembers:	Conrad, Keating, O'Bryant
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 397

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN IMPROVEMENT DISTRICT #28 – SEWER IMPROVEMENTS

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form the Improvement District #28 – Sewer Improvements (herein after "District"); issue bonds; and levy assessments; and approved the Engineer's Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 10000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer's Report, and these charges are for the purpose of paying for the sewer improvements, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which was passed by the voters in November 1996, and

WHEREAS, the City Council has further determined the charges are in compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of assessments within the District for the

2002-03 fiscal year as shown in **Attachment A**, and that a certified copy of this resolution together with attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 2002-03 County tax roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)
APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

ATTACHMENT A

City of Modesto

2002/03 Budget Worksheet
Local Improvement District No. 28

Fund Number M5

Levy Components	2001/02	2002/03
PRINCIPAL AND INTEREST		
Principal	$64,591.54	$68,119.95
Interest	15,152.00	10,362.15
TOTAL	**$79,743.54**	**$78,482.10**
ADMINISTRATION COSTS		
Agency Administration	$1,613.24	$1,558.78
Agency Auditor Fees	0.00	0.00
County Auditor and Assessor Fees	68.00	68.00
Registrar/Transfer/Paying Agent Fees	2,000.00	932.00
Consulting Services	3,785.67	3,995.93
Total Fixed Admin Charge	0.00	0.00
Miscellaneous/Other Fees	0.00	0.00
Remaining Statutory Collection Fee	0.00	0.00
Admin Sub Total	**7,466.91**	**6,554.71**
Delinquency Management Allowance	0.00	0.00
Escaped Levies	0.00	0.00
TOTAL ADMIN	**$7,466.91**	**$6,554.71**
Total Principal, Interest and Admin Costs	$87,210.45	$85,036.81
Fixed Admin Charge per Parcel	$0.00	$0.00
CREDITS APPLIED TO LEVY		
Construction Fund Credit	$0.00	$0.00
Reserve Fund Credit	0.00	0.00
Redemption Fund Credit	15,000.00	0.00
Miscellaneous/Adjustment Credit	10,000.00	11,000.00
TOTAL	**$25,000.00**	**$11,000.00**
TOTAL CHARGE		
Total Charge	**$62,210.45**	**$74,036.81**
Applied Charge	**$62,347.06**	**$74,035.90**
Difference (due to rounding)	$136.61	-$0.91
ADDITIONAL INFORMATION		
Number of Parcels Charged	211	210
Statutory Collection Fee	$3,274.79	$3,212.94
Admin Costs as a percent of Annual Levy	9.36%	8.35%

Notes:

(1) Consulting services include, but are not limited to: District Rebate Calculation Fees and Municipal Disclosure Fees.

(2) The Difference is used to ensure that each parcel's levy amount is required by the County Auditor-Controller.

(3) The Statutory Collection Fee is a maximum of 5 percent of the levy $16 per parcel, per year and is used to cover Administrative Fees Agency as allowed by Section 8682 of the California Streets and

(4) Remaining Statutory Collection Fee is the difference between the Administrative Fees to be recovered and the Statutory Collection Fee.

LEVY APPROVED BY: Belinda Duerksen

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 398

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN IMPROVEMENT DISTRICT #29 – STREET AND WATER SYSTEM IMPROVEMENTS

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form the Improvement District #29 – Street and Water System Improvements (herein after "District"); issue bonds; and levy assessments; and approved the Engineer's Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 10000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer's Report, and these charges are for the purpose of paying for the street and water system improvements; and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which was passed by the voters in November 1996, and

WHEREAS, the City Council has further determined the charges are in compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of assessments within the District for the 2002-03 fiscal year as shown in **Attachment A**, and that a certified copy of this resolution together with attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 2002-03 County tax roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

ATTACHMENT A

City of Modesto

2002/03 Budget Worksheet
Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott)

Fund Number M0

Levy Components	2001/02	2002/03
PRINCIPAL AND INTEREST		
Principal	$79,111.94	$84,056.23
Interest	30,477.88	25,177.33
TOTAL	**$109,589.82**	**$109,233.56**
ADMINISTRATION COSTS		
Agency Administration	$1,744.12	$1,685.00
Agency Auditor Fees	0.00	0.00
County Auditor and Assessor Fees	117.00	117.00
Registrar/Transfer/Paying Agent Fees	3,300.00	3,178.00
Consulting Services	1,489.85	1,480.67
Total Fixed Admin Charge	0.00	0.00
Miscellaneous/Other Fees	0.00	0.00
Remaining Statutory Collection Fee	0.00	0.00
Admin Sub Total	**6,650.97**	**6,460.67**
Delinquency Management Allowance	0.00	0.00
Escaped Levies	0.00	0.00
TOTAL ADMIN	**$6,650.97**	**$6,460.67**
Total Principal, Interest and Admin Costs	$116,240.79	$115,694.23
Fixed Admin Charge per Parcel	$0.00	$0.00
CREDITS APPLIED TO LEVY		
Construction Fund Credit	$0.00	$0.00
Reserve Fund Credit	16,000.00	0.00
Redemption Fund Credit	0.00	0.00
Miscellaneous/Adjustment Credit	5,000.00	0.00
TOTAL	**$21,000.00**	**$0.00**
TOTAL CHARGE		
Total Charge	**$95,240.79**	**$115,694.23**
Applied Charge	**$95,240.84**	**$115,694.16**
Difference (due to rounding)	$0.05	-$0.07
ADDITIONAL INFORMATION		
Number of Parcels Charged	85	85
Statutory Collection Fee	$1,163.29	$1,360.00
Admin Costs as a percent of Annual Levy	6.07%	5.91%

Notes:

(1) Consulting services include, but are not limited to: District Rebate Calculation Fees and Municipal Disclosure Fees.
(2) The Difference is used to ensure that each parcel's levy amount is required by the County Auditor-Controller.
(3) The Statutory Collection Fee is a maximum of 5 percent of the levy $16 per parcel, per year and is used to cover Administrative Fees Agency as allowed by Section 8682 of the California Streets and
(4) Remaining Statutory Collection Fee is the difference between the Administrative Fees to be recovered and the Statutory Collection Fee.

LEVY APPROVED BY: Belinda Dunbar

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 399

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN PUBLIC FACILITIES DISTRICT #6 – STREET AND WATER SYSTEM IMPROVEMENTS

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form the Public Facilities District #6 – Street and Water Improvements (herein after "District"); issue bonds; and levy assessments; and approved the Engineer's Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 10000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer's Report, and these charges are for the purpose of paying for the street and water system improvements, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which was passed by the voters in November 1996, and

WHEREAS, the City Council has further determined the charges are in compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of assessments within the District for the 2002-03 fiscal year as shown in **Attachment A**, and that a certified copy of this

resolution together with attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 2002-03 County tax roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)
APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

ATTACHMENT A

City of Modesto

2002/03 Budget Worksheet
Public Facilities District No. 6

Fund Number M7

Levy Components	2001/02	2002/03
PRINCIPAL AND INTEREST		
Principal	$25,000.02	$23,081.38
Interest	7,810.00	5,571.84
TOTAL	**$32,810.02**	**$28,653.22**
ADMINISTRATION COSTS		
Agency Administration	$498.81	$481.97
Agency Auditor Fees	0.00	0.00
County Auditor and Assessor Fees	27.00	27.00
Registrar/Transfer/Paying Agent Fees	1,550.00	1,625.00
Consulting Services	272.23	241.20
Total Fixed Admin Charge	0.00	0.00
Miscellaneous/Other Fees	0.00	0.00
Remaining Statutory Collection Fee	0.00	0.00
Admin Sub Total	**2,348.04**	**2,375.17**
Delinquency Management Allowance	0.00	0.00
Escaped Levies	0.00	0.00
TOTAL ADMIN	**$2,348.04**	**$2,375.17**
Total Principal, Interest and Admin Costs	$35,158.06	$31,028.39
Fixed Admin Charge per Parcel	$0.00	$0.00
CREDITS APPLIED TO LEVY		
Construction Fund Credit	$0.00	$0.00
Reserve Fund Credit	0.00	0.00
Redemption Fund Credit	0.00	0.00
Miscellaneous/Adjustment Credit	0.00	0.00
TOTAL	**$0.00**	**$0.00**
TOTAL CHARGE		
Total Charge	**$35,158.06**	**$31,028.39**
Applied Charge	**$35,158.06**	**$31,028.40**
Difference (due to rounding)	$0.00	$0.01
ADDITIONAL INFORMATION		
Number of Parcels Charged	11	10
Statutory Collection Fee	$166.83	$150.46
Admin Costs as a percent of Annual Levy	7.16%	8.29%

Notes:

(1) Consulting services include, but are not limited to: District Rebate Calculation Fees and Municipal Disclosure Fees.

(2) The Difference is used to ensure that each parcel's levy amount is required by the County Auditor-Controller.

(3) The Statutory Collection Fee is a maximum of 5 percent of the levy $16 per parcel, per year and is used to cover Administrative Fees Agency as allowed by Section 8682 of the California Streets and

(4) Remaining Statutory Collection Fee is the difference between the Administrative Fees to be recovered and the Statutory Collection Fee.

LEVY APPROVED BY: Belinda Dunbar

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-400

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 &2

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to levy charges or assessments for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivision and Yosemite Meadows Subdivision Units No. 1 & 2, under the provisions of the Landscaping and Lighting Act of 1972; and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocation of cost reports by City Engineering; and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996. The City Council has further determined the charges are in compliance with all laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED that the City Council so orders the levy and collection of such charges within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 & 2 for the 2002-03 fiscal year, and that a certified copy of this resolution shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2002-03 County tax roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-401

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT A REQUEST FOR BIDS FOR SOFT START STARTERS.

WHEREAS, the Operations and Maintenance Department is responsible for maintaining the City water systems, and

WHEREAS, the Operations and Maintenance Department has requested the purchase of soft start starters, which are used to reduce the draw of electrical current from the utility district, and

WHEREAS, the soft start starters will be used to replace existing autotransformers which are failing, and

WHEREAS, the anticipated cost of soft start starters will be approximately $50,000.00 annually, and

WHEREAS, this Request for Bid is for a three (3) year agreement to supply soft start starters to the city, and

WHEREAS, by soliciting competitive bids for the soft start starters, the Finance Department-Purchasing Division will comply with the Modesto Municipal Code, Section 8-3.203, regarding formal bid procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the formal solicitation of bids for a three (3) year agreement for new soft start starters is hereby approved as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive bids for soft start starters to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The forgoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the27th day of August, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
BY: _____
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-402

WAS NOT USED

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-403

A RESOLUTION ACCEPTING THE BID OF BARHAM INC FOR THE PROJECT TITLED "2002 PARK RESTROON CONSTRUCTION"

WHEREAS, the bids received for 2002 Park Restroom Construction were opened at 11:00 a.m. on July 30, 2002, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $59,823 received from Barham Inc be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Barham Inc be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant; Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-404

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE PROJECT TITLED "COFFEE CLARATINA PARK ROAD IMPROVEMENTS"

WHEREAS, the bids received for "COFFEE CLARATINA PARK ROAD IMPROVEMENTS" were opened at 11:00 a.m. on August 13, 2002, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $102,669 received from TEICHERT CONSTRUCTION be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $102,669 from TEICHERT CONSTRUCTION be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-405

A RESOLUTION ACCEPTING IMPROVEMENTS IN SUNDANCE LAKE UNIT NO. 2 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, SUNDANCE LAKE MODESTO, LLC, a Delaware Limited Liability Company, and JOSEPH DARWIN COLBY, Trustee of the JOSEPH DARWIN COLBY TRUST dated April 1, 1994, are the subdividers of Sundance Lake Unit No. 2 subdivision, and

WHEREAS, SUNDANCE LAKE MODESTO, LLC, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $127,000.00 and $63,500.00, respectively, and

WHEREAS, SUNDANCE LAKE MODESTO, LLC, has filed a warranty bond in the amount of $12,700.00 to guarantee improvements in Sundance Lake Unit No.2 subdivision, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The improvements in Sundance Lake Unit No. 2 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $127,000.00 upon recordation of the notice of completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $63,500.00 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $12,700.00 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM
By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-406

A RESOLUTION ACCEPTING IMPROVEMENTS IN THE CLARATINA ESTATES SUBDIVISION, IN THE COFFEE CLARATINA SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, FLORSHEIM BROS., a California General Partnership, by its general partner, Florsheim Properties, a California Corporation, are the subdividers of the Claratina Estates subdivision, and

WHEREAS, FLORSHEIM BROS., a California General Partnership, by its general partner, Florsheim Properties, a California Corporation, have filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $1,325,780.00 and $662,890.00, respectively, and

WHEREAS, FLORSHEIM BROS., a California General Partnership, by its general partner, Florsheim Properties, a California Corporation, has filed a warranty bond in the amount of $132,578.00 to guarantee improvements in the Claratina Estates subdivision, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The improvements in Claratina Estates Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $1,325,780.00 upon recordation of the notice of completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $662,890.00 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $132,578.00 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Jackman
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS FORM:
BY: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-407

A RESOLUTION ACCEPTING IMPROVEMENTS IN THE MONTEREY BAY UNIT NO. 1 SUBDIVISION, IN THE CARVER-BANGS SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, BRIGHT DEVELOPMENT, a California Corporation is the subdivider of the Monterey Bay subdivision, and

WHEREAS, BRIGHT DEVELOPMENT, a California Corporation has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $560,212.00 and $280,106.00, respectively, and

WHEREAS, BRIGHT DEVELOPMENT, a California Corporation, has filed a warranty bond in the amount of $56,021.00 to guarantee improvements in the Monterey Bay Unit No. 1 Subdivision, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The improvements in Monterey Bay Unit No. 1 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $560,212.00 upon recordation of the notice of completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $280,106.00 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $56,021.00 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Jackman
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-408

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH STANTEC CONSULTING, INC., FOR DEVELOPMENT OF A CITYWIDE, COMPREHENSIVE STORM DRAINAGE MASTER PLAN, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the Proposals and Interviews for the Storm Drainage Master Plan were rated by the selection team, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that Stantec Consulting, Inc., of Sacramento, be accepted as the most qualified engineering consulting firm, and

WHEREAS, Stantec Consulting, Inc., is a firm that specializes in performing hydraulic and hydrological studies leading to the development of Storm Drainage Master Plans, and

WHEREAS, this project has $450,000 budgeted in Fiscal Year 2002-03 for its completion, and

WHEREAS, the Engineering & Transportation Director has recommended accepting the proposal from Stantec Consulting, Inc. in an amount not to exceed $422,170, and

WHEREAS, the Storm Drainage Master Plan will be used for both short and long range planning for new storm drainage facilities and upgrades to the existing infrastructure system, and

WHEREAS, the proposed scope of work includes, but is not limited to, updating the City's storm drainage design standards, evaluating the conveyance capacities of the

existing facilities, proposing specific upgrades and solutions to alleviate existing flooding problems, identifying new infrastructure for future development areas and performing all the required environmental review, and

WHEREAS, this item was discussed at the Economic Development Committee meeting on July 8, 2002, and a favorable recommendation was given to be forwarded to the Council for consideration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Stantec Consulting, Inc., for development of the Storm Drainage Master Plan in an amount not to exceed $422,170.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Joan Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-409

A RESOLUTION ACCEPTING A GRANT AWARD WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR CONDUCTING A VULNERABILITY ASSESSMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL GRANT APPLICATIONS AND GRANT AGREEMENT DOCUMENTS

WHEREAS, the United States Environmental Protection Agency (USEPA) has been delegated authority to award federal financial assistance for vulnerability assessments, and

WHEREAS, the City of Modesto has applied for Federal funds to complete its vulnerability assessment, and

WHEREAS, the USEPA has approved the City's application for Federal funds to conduct its vulnerability assessment for up to and not exceeding $115,000, and

WHEREAS, the City of Modesto must follow administrative conditions to receive grant funding including using Federal funds for project approved expenses, agreeing to comply with Minority Business Enterprise/Women Business Enterprise (WBE/WBE) terms and conditions, and following EPA grant program financial accounting procedures, and

WHEREAS, the City of Modesto agrees to programmatic conditions including submitting a signed statement at the end of the project period that the scope of work described in the grant application has been completed, taking appropriate precautions to ensure that work products developed under this grant are not disclosed to parties who are not authorized to view the information, and completing a vulnerability assessment within six months of the grant award,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council accepts the Grant Agreement from the U.S. EPA for $115,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and file the financial and accounting forms and other documents required by EPA regulations for the City of Modesto to receive payment and report on financial transactions during this EPA supported project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, CITY ATTORNEY

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-410

A RESOLUTION APPROVING AN AGREEMENT WITH CH2M HILL, FOR THE ENGINEERING PROJECT TITLED "VULNERABILITY ASSESSMENT" AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the Proposals and Interviews for the preparation of the Vulnerability Assessment were rated by the selection team, in accordance with Administrative Directive 3.1., and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that CH2M HILL, be accepted as the most qualified engineering consulting firm, and

WHEREAS, the Engineering & Transportation Director has recommended accepting the proposal of CH2M HILL, in an amount not to exceed $115,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with CH2M HILL, for preparation of the Vulnerability Assessment in an amount not to exceed $115,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-411

A RESOLUTION AMENDING THE OPERATIONAL BUDGET TO BUDGET ADDITIONAL REVENUE FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, AND TO INCREASE THE APPROPRIATED CONSULTING EXPENSE TO IMPLEMENT A VULNERABILITY ASSESSMENT OF THE CITY'S WATER SYSTEM

WHEREAS, the City Council has previously accepted a U.S. EPA Grant for the preparation of a Vulnerability Assessment of the City's water system, and

WHEREAS, the City Council previously awarded a $115,000 contract to CH2M HILL to prepare a Vulnerability Assessment of the City's water system , and

WHEREAS, the City Council recognizes that this project is not presently in the Fiscal Year 2002-2003 Annual Operations Budget adopted by the City Council on June 25, 2002.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Finance Director to amend to the current Fiscal Year 2002-2003 operation budget for the Vulnerability Assessment of the City's water system to increase the amount of revenue budgeted by $115,000 (0410-480-4803-3547) and to increase the consulting services appropriation by $115,000 (0410-480-4803-0235).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-412

A RESOLUTION AUTHORIZING THE DISTRICT ADMINISTRATOR TO EXECUTE A CHANGE ORDER IN THE AMOUNT OF $24,901.80 WITH ON GRADE CONTRACTING FOR THE EXCAVATION OF THE VILLAGE ONE CENTRAL BASIN

WHEREAS, on July 3, 2002, a contract was executed between Community Facilities District No. 1996-1 and On Grade Contracting ("Contractor") for the excavation of the Village One Central Basin, and

WHEREAS, the contractor started work on approximately July 8, 2002, and

WHEREAS, during the excavation, Contractor notified the District Engineer that the elevation of the inlet structure was roughly two feet lower than what had been shown on the plan that the Contractor was using, and

WHERERAS, on July 26, 2002, the District Engineer, District's storm drainage consultant, Camp Dresser & McKee, and Contractor met at the Central Basin to discuss the discrepancy, and

WHEREAS, as a result of the July 26, 2002 meeting, an amendment to the original excavation plan was prepared to include the excavation of a forebay area, and

WHEREAS, this amendment increased the excavation quantity beyond that which had been shown on the original plans, and

WHEREAS, Contractor proceeded and completed the excavation of the Central Basin according to the revised plan, and

WHEREAS, a topographic survey performed before and after the excavation indicates that 75,145 cubic yards were excavated from the Central Basin, 5,145 cubic

yards more than originally estimated at an additional cost of $24,901.80 (5,145 cubic yards x $4.84/cubic yard),

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the District Administrator shall be authorized to execute Change Order #1 with On Grade Contracting in the amount of $24,901.80 (5,145 cubic yards x $4.84/cubic yard).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: _____
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-413

A RESOLUTION AUTHORIZING THE DISTRICT ADMINISTRATOR TO NEGOTIATE AND EXECUTE CONTRACTS WITH PACIFIC UNION HOMES FOR EXCAVATION OF THE WEST BASIN AND INSTALLATION OF STORM DRAINAGE INFRASTRUCTURE LOCATED IN VILLAGE ONE

WHEREAS, the City of Modesto desires to complete the core storm drain system in Village One, and

WHEREAS, Pacific Union Homes has agreed to excavate the West Basin under similar terms as the previous The Grupe Company proposal and install certain storm drainage infrastructure in Village One, and

WHEREAS, the excavation of the West Basin and the installation of certain storm drainage infrastructure are critical components to completion of the core storm drainage system in Village One, and

WHEREAS, the estimated amount of said contracts is between $700,000 and $775,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the District Administrator is hereby authorized to negotiate and execute contracts with Pacific Union Homes for the excavation of the West Basin and for the installation of storm drainage infrastructure in Village One in the estimated amount of $700,000 - $775,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-414

A RESOLUTION FINDING THAT THE FOLLOWING PROJECTS ARE CONSISTENT WITH THE SCOPE OF THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE 1994 SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR VILLAGE ONE: EXCAVATION OF THE WEST BASIN AND INSTALLATION OF STORM DRAINAGE INFRASTRUCTURE LOCATED IN VILLAGE ONE (CITY INITIATED)

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Program Environmental Impact Report ("EIR") (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, on May 24, 1994 the Modesto City Council certified the Final Supplemental EIR for Village One which supersedes and updates the Village One Program EIR, and

WHEREAS, the City of Modesto desires to undertake a project to excavate the West storm drainage basin located in Village One, and

WHEREAS, the City of Modesto desires to undertake a project to install certain storm drain infrastructure located in Village One, and

WHEREAS, the staff has reviewed the proposed project to determine if said projects might have a significant effect on the environment as set forth in Environmental Impact Reports EA/CA 2001-01, and

WHEREAS, pursuant to Environmental Impact Report EA/CA 2001-01, staff has determined that the proposed projects have been adequately addressed and therefore, are within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the 1994 Village One Supplemental EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council hereby makes the following findings:

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, these projects are within the scope of the projects covered by the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new environmental document or findings are required by CEQA.
2. These projects will have no new effects that were not examined in the Program EIR and no new mitigation measures would be required.
3. There are no substantial changes proposed in the projects that will require major revisions of the Program EIR.
4. There are no substantial changes occurring with respect to the circumstances under which the projects are being undertaken which will require major revisions in the Program EIR.
5. No new information, which was not known and could not have been known at the time the Program EIR was certified as complete, has become available.
6. There are no specific features that are unique to the proposed projects that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for these projects.
7. All feasible mitigation measures set forth in the Program EIR that are appropriate to these projects shall be incorporated in the projects.
8. Environmental Assessment No. EA/CA 2001-01 provides the substantial evidence to support the above findings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-415

Print

CONSIDER AUTHORIZING THE PURCHASE OF ONE PIERCE QUANTUM FIRE ENGINE FROM GOLDEN STATE FIRE APPARATUS, FOR A TOTAL COST NOT TO EXCEED $348,706.76, IN ACCORDANCE WITH RESOLUTION 2001-29 WHICH APPROVED THE USE OF THE CITY OF BERKELEY'S CONTRACT FOR PIERCE FIRE ENGINES FOR TWO ADDITIONAL FISCAL YEARS, WITH BUDGETARY AND COUNCIL APPROVAL IN EACH FISCAL YEAR.

WHEREAS, the City of Berkeley has authorized the City of Modesto to use its contract with Golden State Fire Apparatus (Pierce Manufacturing) for the purchase of fire apparatus, and

WHEREAS, by Resolution 2001-29, adopted on January 23, 2001, the City Council

approved, the use of the City of Berkeley's contract for Pierce fire engines for two additional years, with budgetary and Council approval in each fiscal year, and

WHEREAS, the Municipal Code allows for certain exceptions to formal bidding requirements, and Municipal Code Section 8-3.204(d) applies to this action,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of a Pierce Quantum Fire Engine from Golden State Fire Apparatus using the City of Berkeley's contract.

BE IT FURTHER RESOLVED that the purchase price of a Pierce Quantum Fire Apparatus from Golden State Fire Apparatus for a cost not to exceed $348,706.76 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By: _____
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-416

A RESOLUTION DECLARING SURPLUS PROPERTY AND AUTHORIZING THE SALE OF A 1977 VAN PELT FIRE ENGINE.

WHEREAS, the Fire Department has determined that the 1977 Van Pelt fire engine, has outlived its useful service to the City of Modesto, and

WHEREAS, it is requested that the 1977 Van Pelt fire engine be declared surplus property and the sale of the fire engine be authorized,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the 1977 Van Pelt fire engine is hereby declared surplus property and the sale of same is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By: Michael D. Milich
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-417

A RESOLUTION RECOGNIZING THE TUOLUMNE RIVER AS A REGIONAL ASSET AND PLEDGING SUPPORT TO THE TUOLUMNE RIVER COALITION FOR THE ENHANCEMENT AND STEWARDSHIP OF THE TUOLUMNE RIVER CORRIDOR.

WHEREAS, the Tuolumne River benefits the entire Central Valley of California, including the Delta and San Francisco Bay, and

WHEREAS, the Tuolumne system is critical to the agriculture sector of our regional economy and its well-being, and

WHEREAS, the Tuolumne River corridor and its associated habitat provides an environment for many aquatic and terrestrial species, including some that are listed as threatened or endangered, and

WHEREAS, the Tuolumne River hosts the largest remaining fall-run Chinook salmon run in the San Joaquin River ecosystem, and

WHEREAS, the Tuolumne River provides clean, reliable drinking water for communities within the Tuolumne River basin, the City and County of San Francisco and the San Francisco Bay area, and

WHEREAS, development and competition for water continues to put pressure on this valuable resource and its many benefits, and

WHEREAS, the Tuolumne River is an under-recognized and underutilized asset in regard to tourism and recreation, and

WHEREAS, all the regional stakeholders have a mutual interest in the enhancement and stewardship of the Tuolumne River for the long term benefit of our area and future generations, and many of the actions and goals associated with this long term viewpoint are common to all interests, and

WHEREAS, in order to maximize the opportunity for the enhancement of this valuable resource, all the governmental entities and other interested organizations in this area will cooperate and work together, and

WHEREAS, the Tuolumne River Regional Park Commission met on April 8, 2002, and supported the request from the Tuolumne River Coalition that the agencies of the TRRP JPA, including the Modesto City Council, adopt a resolution recognizing the Tuolumne River as a regional asset and pledging support to the Tuolumne River Coalition for the enhancement and stewardship of the Tuolumne River corridor, and

WHEREAS, the Safety and Communities Committee met on August 5, 2002, and supported the request from the Tuolumne River Coalition that the Modesto City Council adopt a resolution recognizing the Tuolumne River as a regional asset and pledging support to the Tuolumne River Coalition for the enhancement and stewardship of the Tuolumne River corridor,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby recognizes the Tuolumne River as a regional asset and pledges support to the Tuolumne River Coalition for the enhancement and stewardship of the Tuolumne River corridor.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-418

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH MODESTO SISTER CITIES INTERNATIONAL TO DECREASE FUNDING FOR FISCAL YEAR 2002-03 BY 5%, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT.

WHEREAS, in 1996, the City of Modesto entered into an agreement with Modesto Sister Cities International (MSCI) for MSCI to administer Modesto's Sister City program, and

WHEREAS, the City agreed to compensate MSCI $31,600 annually to administer the Sister City program, and

WHEREAS, at the budget hearing held on June 24th, MSCI agreed to accept a 5% budget cut for the Fiscal Year 2002-03, and

WHEREAS, a 5% reduction in funding to MSCI was included as part of the adoption of the Fiscal Year 2002-03 budget, and

WHEREAS, the Financial Policy Committee originally recommended termination of the agreement with MSCI, and later at the June 24, 2002, budget hearing supported the 5% reduction in funding to MSCI,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an Amendment to Agreement with Modesto Sister Cities International to decrease funding by 5% from $31,600 annually to $30,020 for Fiscal Year 2002-03, and authorizing the City Manager to execute the amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-419

RESCINDED
10-7-03
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2003-529

Print

A RESOLUTION APPROVING CHANGES TO THE DOWN PAYMENT ASSISTANCE PROGRAM TO REQUIRE THAT THE LOAN APPLICANTS RESIDE AND/OR WORK IN THE CITY OF MODESTO FOR AT LEAST SIX CONSECUTIVE MONTHS AND TO TIE THE SALES PRICE LIMIT OF HOMES ELIGIBLE FOR THE DOWN PAYMENT ASSISTANCE PROGRAM TO THE FHA MORTGAGE LIMIT.

WHEREAS, the City of Modesto administers a federally-funded Down Payment Assistance Program (DPAP) to help low and moderate income households purchase a home in Modesto, and

WHEREAS, the current sales price limit for the program is $160,000, and

WHEREAS, staff is recommending that the Down Payment Assistance Program be amended to tie the sales price limit of homes eligible for the Down Payment Assistance Program to the FHA mortgage limit, which, in Stanislaus County, is currently $174,450, and

WHEREAS, staff is further recommending that the Down Payment Assistance Program be further amended to require that the loan applicants reside and/or work in the City of Modesto for at least six consecutive months, and

WHEREAS, the Citizens Housing and Community Development Committee met on May 17, 2002, and supported the recommended changes to the Down Payment Assistance Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves changes to the Down Payment Assistance Program to require that the loan applicants reside and/or work in the City of Modesto for at least six consecutive months and to tie the sales price limit of homes eligible for the Down Payment Assistance Program to the FHA mortgage limit.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: _____
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-420

A RESOLUTION APPROVING A GRANT APPLICATION FOR $200,000 IN FUNDING FROM THE FEDERAL RECREATIONAL TRAILS PROGRAM (RTP), UNDER THE TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY, FOR THE CONSTRUCTION OF A NON-MOTORIZED TRAIL SYSTEM IN THE TUOLUMNE RIVER REGIONAL PARK GATEWAY PARCEL AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION DOCUMENTS.

WHEREAS, the Transportational Equity Act For The 21st Century provides funds to the State of California for grants to state, local and non-profit organizations to acquire, develop and/or maintain motorized and non-motorized trail purposes, and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing project application under the program, and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of application(s) before submission of said application(s) to the State, and

WHEREAS, the applicant will enter into an agreement with the State of California to complete the project(s), and

WHEREAS, staff is recommending submitting an application requesting $200,000 for a non-motorized trail system in the Tuolumne River Regional Park (TRRP) Gateway Parcel, and

WHEREAS, the Safety and Communities Committee met on August 5, 2002, and supported submission of an application for the recommended project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the filing of an application for $200,000 for a non-motorized trail system in the Tuolumne River Regional Park Gateway Parcel under the Recreational Trails Program, and

1. Certifies that said applicant has or will have available prior to commencement of any work on the project included in this application, sufficient funds to operate and maintain the project, and

2. Appoints the City Manager as agent of the City of Modesto to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-421

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(554). (GARY MACK/OWENS DESIGN CONSULTANTS)

WHEREAS, a verified application for an amendment to Section 9-4-9 of the Zoning Map was filed by Gary Mack/Owens Design Consultants on May 9, 2002, to reclassify from Neighborhood Commercial Zone, (C-1), to Planned Development Zone, P-D(554), to allow for an 18,860-square-foot two story tire and wheel sales and service shop and a 19,296 square-foot retail building, described as follows:

C-1 to P-D(554)

All that certain real property situated in the City of Modesto, County of Stanislaus, State of California, and being a portion of the Northwest Quarter of Section 9, Township 4 South, Range 9 East, Mount Diablo Base and Meridian more particularly described as follows:

All of Parcels 1 and 2 as shown on the Parcel Map filed for record in Book 32 of Parcel Maps, Page 109, Stanislaus County Records;

Also including the south one-half of 70.0 foot Winmoore Way, and the East 40.0 feet of 100.0 foot Crows Landing Road, all being immediately adjacent to the above described property.

WHEREAS, after a public hearing held on July, 15 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2002-28, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The property is located on a section of Crows Landing Road that has many similar land uses to the ones proposed.

2. Commercial uses are compatible with the adjacent land uses along Crows Landing Road, which are retail commercial and industrial uses.

WHEREAS, said matter was set for a public hearing of the City Council to be held on August 27, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Gary Mack/Owens Design Consultants for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2002-28 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3267-C.S. on the 27th day of August 2002, reclassifying the above-described property from Neighborhood Commercial Zone, (C-1), to Planned Development Zone, P-D(554).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(554), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and elevations titled "Los Amigos Plaza" as amended in red, stamped approved by the Planning Commission on July 15, 2002.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Chief Building Official. Screen landscaping shall be installed along the north property line.

Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

4. The following street dedications consistent with Standard Specifications shall be made prior to the issuance of a building permit:

   a. Dedication along Crows Landing Road to a distance of 68.25 feet from the centerline of Crows Landing Road to the project site's property line for the first 300' along the frontage from Winmoore Way, then tapering down to 57 feet with a 260 foot long in accordance with City of Modesto Standard Specification Detail No. 382.

   b. Dedication to allow for a 50' radius at the southeast corner of Crows Landing Road and Winmoore Way.

5. Prior to issuance of a building, plans showing the following improvements shall be prepared by a Registered Civil Engineer and approved by the Engineering and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

   a. The proposed driveway on Crows Landing Road shall be of drop-curb type, thirty feet wide with a fifty foot throat and must be completely constructed with the first phase of the project.

   b. The proposed driveway on Winmoore Way shall be designed per City Standards for commercial flared driveways in accordance with the approved plans.

   c. Grading and site improvement plans.

6. Prior to occupancy of any building, irrigation, electrical, gas and domestic water lines shall be removed, relocated, or protected as required by the Engineering and Transportation Director and/or the utility companies, and easements for utility lines to remain shall be dedicated.

7. All existing street and property monuments within or abutting this

project site shall be preserved. If, during construction of onsite or offsite improvements, monuments are damaged or destroyed, the applicant/developer shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per City Standards and file the necessary information with the County Recorder's Office as required by AB1414.

8. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

9. Ten-foot public utility easements, and planting easements located within the ten-foot public utility easements, shall be dedicated along all street frontages as required by the Engineering and Transportation Director.

10. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Engineering and Transportation Director.

11. Prior to the issuance of a building permit, the developer shall submit a plan for approval by the Operations and Maintenance Director to provide on-site treatment of storm water in accordance with the guidance manual for new development stormwater quality control measures. Storm drain improvements shall be constructed in accordance with the approved plans.

12. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

13. The developer shall implement pre- and post- construction best management practices (BMPs) to minimize pollutants entering the storm system.

14. All signs shall comply with the sign requirements of the C-3 Zone.

15. Trash bins shall be kept in enclosures in accordance with the approved plan and in accordance with plans approved by the Operations and Maintenance Department Director. Enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community and Economic Development Department Director.

16. The developer shall execute a Reciprocal Easement Agreement which shall provide for vehicular and pedestrian access and vehicular parking for the patrons of both parcels. Said agreement shall be in a form to be approved by the City Attorney and shall be recorded prior to issuance of a building permit.

17. Prior to the issuance of a building permit for any development in the second phase, building elevations for the 19,296-square-foot retail building proposed for the south parcel shall be approved by the Community and Economic Development Director.

18. Prior to the issuance of a building permit for any development in the second phase, the developer shall install a median on Crows Landing Road to the satisfaction of the Engineering and Transportation Director.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(554):

> The entire construction program be accomplished in one phase, construction to begin on or before August 27, 2004, and completion to be not later than August 27, 2005.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code

relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(554), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:
By _____
Community & Economic Development Department
Planning Division

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-422

Print

A RESOLUTION FINDING THAT THE FOLLOWING PRO-JECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 9-4-9 OF THE ZONING MAP TO REZONE FROM NEIGHBORHOOD COMMERCIAL ZONE, C-1, TO PLANNED DEVELOPMENT ZONE, P-D(554), PROPERTY LOCATED ON THE EAST SIDE OF CROWS LANDING ROAD, SOUTH OF WINMOORE WAY (GARY MACK/OWENS DESIGN CONSULTANTS).

WHERAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Gary Mack/Owens Design Consultants has proposed that the zoning designation for property located on the east side of Crows Landing Road, south of Winmoore Way be amended to rezone from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(554), in the City of Modesto ("the project"), to allow for an 18,860-square-foot two story tire and wheel sales and service shop and a 19,296 square-foot retail building, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED No. 2002-29 reviewed the proposed

amendment to the Zoning Map and rezone to P-D(554) project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR, and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on August 27, 2002, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(554) project, a copy of which is attached hereto as **Exhibit "A"**, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.
2. That the project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the

certified mitigation measures identified in the Master EIR will be sufficient for this project.

5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2002-29

City of Modesto
Initial Study

Los Amigos Plaza P-D
EA/CDD 2002-29
June 17, 2002

I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:
Los Amigos Plaza Planned Development Zone Rezoning

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:
Josh Bridegroom, Community Development Department, (209) 571-5540

A. Project Location:
Southeast Corner of Crows Landing Road and Winmoore Way

E. Project Sponsor:
Owens Design Consultants, 801 17th Street Ste. D, Modesto, Ca.

F. General Plan Designation:
Commercial

G. Current Zoning:
Highway Commercial (C-1)

H. Description of Proposed Project:
This is an application to rezone 2.816 acres on two adjoining parcels, which front onto Crows Landing Road on the southeast corner of Crows Landing Road and Winmoore Way, from C-1 to a Planned Development Zone to allow for the development of an 18,860 square foot, two story "Los Amigos Tire and Wheel" sales and service shop and a 19,296 square foot retail building and parking to serve both.

I. Surrounding land uses:
The project is surrounded by a gas station to the north, industrial to the east, an empty parcel to the south and Crows Landing Road to the west.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

A. Traffic and Circulation

The General Plan designates the project site as commercial. The project is consistent with this designation in land use and intensity and will therefore not generate traffic greater than projected by the MEIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are still valid.

B. Degradation of Air Quality

The air quality impacts for this abandonment are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this development will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are therefore still valid.

C. Generation of Noise

Noise is of little concern with this project, being that it is completely surrounded by other commercial and industrial uses. Beyond this, the General Plan MEIR assumed that there would be commercial development and thus, noise generation within the Baseline Developed Area. Therefore, the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.

D. Loss of Productive Agricultural Land

This area is located in an urbanized portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. Increased Demand for Water Supplies

The General Plan MEIR assumed that there would be further development and thus, increased demand for Water Supplies within the Baseline Developed Area. Beyond this, the proposed expansion will not generate a significant increased demand for water supplies, in that tire and wheel sales and service shops do not generally use much water

and the necessary water supply infrastructure already exists. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are therefore still valid.

F. Increased Demand for Sanitary Sewer Services

The General Plan MEIR assumed that there would be further development and thus, increased demand for Sanitary Sewer Services within the Baseline Developed Area. Beyond this, the proposed expansion will not generate a significant increased demand for sanitary sewer services, in that tire and wheel sales and service shops generally do not require much sewer services, and the necessary infrastructure already exists. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The project is located in a built-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. Therefore, the Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

H. Disturbance of Archaeological and Historic Sites

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

I. Drainage, Flooding and Water Quality

The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the Baseline Developed Area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are still valid.

J. Increased Demand for Storm Drainage

The proposed project will be required to provide for on-site treatment of storm drainage in accordance with City standards. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are still valid.

K. Increased Demand for Parks and Open Space

The MEIR concluded that demand for parks and open space would be mitigated through the payment of Capital Facilities Fees (CFF) for new development, which would be used for the development of new parks. Since the City's CFF program applies to this project, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are still valid.

L. Increased Demand for Schools

This project, being non-residential, would not generate any additional demand for schools. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are still valid.

M. Increased Demand for Police Services

The General Plan MEIR assumed that there would be further development and thus, increased demand for police services within the Baseline Developed Area. The proposed project is consistent with the General Plan in terms of land use and intensity. Beyond this, the Modesto Police Department has not indicated any problems with the proposed expansion. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are still valid.

N. Increased Demand for Fire Services

The General Plan MEIR assumed that there would be further development and thus, increased demand for fire services within the Baseline Developed Area. The proposed project is consistent with the General Plan in terms of land use and intensity and will be required to meet all relevant fire codes. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are still valid.

O. Generation of Solid Waste

The General Plan MEIR assumed that there would be further development and thus, increased generation of solid waste within the Baseline Developed Area. Beyond this, the proposed expansion will not generate a significant amount of solid waste, as tire and wheel sales and service shops generally do not. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10) are still valid.

P. Generation of Hazardous Materials

The General Plan MEIR assumed that there would be further development and thus, increased generation of hazardous materials within the Baseline Developed Area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are still valid.

Q. Landslides and Seismic Activity

This project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are therefore still valid.

R. Energy

The proposed tire and wheel sales and service shops will generate some additional demand for energy. However, the General Plan MEIR assumed that there would be further development and thus, increased demand for energy within the Baseline Developed Area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed project is within the scope of the General Plan Master EIR (SCH No. 92052017).

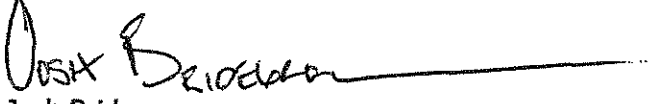
B. No additional significant environmental effects will occur as a result of the proposed project that were not previously examined in the General Plan Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed project that were not previously considered in the General Plan Master EIR.

D. There are not specific features unique to this project that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.

E. This initial study provides substantial evidence to support findings A, B, C, and D above.

Signature:



Josh Bridegroom,
Assistant Planner

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-423

A RESOLUTION APPROVING THE FILING OF AN APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION IN THE AMOUNT OF $4,132,416 FOR PUBLIC TRANSIT OPERATING AND CAPITAL PURPOSES AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY GRANT APPLICATIONS AND GRANT AGREEMENT DOCUMENTS

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award federal financial assistance for transportation related projects, and

WHEREAS, the City of Modesto has provided all annual certifications and assurances to the Federal Transit Administration required for the project, and

WHEREAS, each year the City of Modesto submits a grant application for funds from the formula apportionment made available to the Modesto Urbanized area by the FTA, and

WHEREAS, the City of Modesto has received authority from the Designated Recipient, StanCOG, to apply for Urban Area Formula Program Assistance funds in the amount of $3,483,491 for FY 2001-2002, and

WHEREAS, the City of Modesto has received authority from the Designated Recipient, StanCOG, to apply for Congestion Mitigation and Air Quality funds in the amount of $648,925 for projects in both the City of Modesto and City of Ceres, and

WHEREAS, the grant for Federal assistance will impose certain obligations on the City of Modesto, and may require the City to provide the local share of the project costs, and

WHEREAS, the City Council held a Public Hearing on April 25, 2002, at 5:15 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, and by Resolution No. 2002-210 approved submittal of a grant application in the amount of $4,225,371, in accordance with FTA regulations, and

WHEREAS, the City Council now desires to revise the list of projects for which federal funds are being requested, and to reduce the grant application by $92,955, and

WHEREAS, the matter was considered by the Council at a duly noticed Public Hearing held on August 27, 2002, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, in accordance with FTA regulations for the purpose of revising the list of projects for which federal funds are being requested, and

WHEREAS, by an agenda report to the Council dated August 13, 2002, from the Engineering and Transportation Department, City staff recommended submitting a grant application for $3,483,491 in formula funds and $648,925 in Congestion Mitigation and Air Quality funds to partially offset the capital costs of the City's public transit program, a copy of said report is attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the filing and submission of an application for Federal assistance in the amount of $4,132,416, on behalf of the City of Modesto with the Federal Transit Administration (FTA) for Federal assistance authorized by 49 U.S.C. chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and file the annual certifications and assurances and other documents the Federal Transit Administration requires for awarding a federal assistance grant.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant applications and agreements with the Federal Transit Administration on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-424

A RESOLUTION GRANTING GENERAL PUBLIC AND SERVICE TRUCK AND VEHICLE ACCESS TO THE O'BRIEN'S CENTER AND APPROVING A HOLD-HARMLESS AND CLOSURE PROVISION AGREEMENT (PELANDALE ACCESS AGREEMENT) BETWEEN THE CITY OF MODESTO AND O'BRIEN'S DEVELOPMENT FOR "RIGHT-IN-ONLY", FAR SIDE OFF-RAMP TO PELANDALE AVENUE, 600 FEET EAST OF DALE ROAD.

WHEREAS, City Council Resolution No. 2001-476 approved a proposed amendment to the Modesto General Plan to amend the Community Service and Facilities Circulation and Transportation section to allow access to Class B and C Expressways to non-residential uses on a case-by-case basis subject to certain design standards, and

WHEREAS, City Council Resolution No. 2001-477 approved Standard Specifications for access to Class B or C Expressways in conformance with design criteria and standards set forth by the American Association of State Highway Transportation Officials (AASHTO), and

WHEREAS, City Council Resolution No. 2001-478 approved a design exception to the City of Modesto Standard Specification for far side off-ramp access to Class B Expressway, with the condition that Council review future exception requests, and

WHEREAS, City Council Resolution No. 2001-479 made a finding that an amendment to the Community Services and Facilities Circulation and Transportation Section of the Modesto Urban Area General Plan add policies allowing for access to Class B and C Expressways to non-residential uses on a case-by-case basis subject to certain design criteria is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report, and

WHEREAS, O'Brien's Development submitted engineering plans requesting a design exception to the City of Modesto Standard Specification for access to a Class B Expressway, and

WHEREAS, City Council, by motion, directed staff to prepare a resolution granting both the general public and service trucks and vehicles access to O'Brien's Center and to negotiate a hold-harmless and closure provision agreement, and

WHEREAS, the Director of Engineering and Transportation is recommending that this design exception be approved with conditions as set forth in an access agreement binding O'Brien's Development to certain performance criteria and studies to determine volume of traffic using the access, accident history at the access ramp, traffic volumes on Pelandale Avenue, O'Brien's Traffic Engineer's analysis as to impediments to traffic flow on Pelandale Avenue as a result of the access and any other factors O'Brien's Traffic Engineer or the City's Traffic Engineer deem relevant, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. O'Brien's Development is hereby authorized to install a far side off-ramp on Pelandale Avenue, 600 feet east of Dale Road.
2. The City Manager is authorized to execute a Pelandale Access Agreement with O'Brien's Development for this access.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-424

A RESOLUTION GRANTING GENERAL PUBLIC AND SERVICE TRUCK AND VEHICLE ACCESS TO THE O'BRIEN'S CENTER AND APPROVING A HOLD-HARMLESS AND CLOSURE PROVISION AGREEMENT (PELANDALE ACCESS AGREEMENT) BETWEEN THE CITY OF MODESTO AND O'BRIEN'S DEVELOPMENT FOR "RIGHT-IN-ONLY", FAR SIDE OFF-RAMP TO PELANDALE AVENUE, 600 FEET EAST OF DALE ROAD.

WHEREAS, City Council Resolution No. 2001-476 approved a proposed amendment to the Modesto General Plan to amend the Community Service and Facilities Circulation and Transportation section to allow access to Class B and C Expressways to non-residential uses on a case-by-case basis subject to certain design standards, and

WHEREAS, City Council Resolution No. 2001-477 approved Standard Specifications for access to Class B or C Expressways in conformance with design criteria and standards set forth by the American Association of State Highway Transportation Officials (AASHTO), and

WHEREAS, City Council Resolution No. 2001-478 approved a design exception to the City of Modesto Standard Specification for far side off-ramp access to Class B Expressway, with the condition that Council review future exception requests, and

WHEREAS, City Council Resolution No. 2001-479 made a finding that an amendment to the Community Services and Facilities Circulation and Transportation Section of the Modesto Urban Area General Plan add policies allowing for access to Class B and C Expressways to non-residential uses on a case-by-case basis subject to certain design criteria is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report, and

WHEREAS, O'Brien's Development submitted engineering plans requesting a design exception to the City of Modesto Standard Specification for access to a Class B Expressway, and

WHEREAS, City Council, by motion, directed staff to prepare a resolution granting both the general public and service trucks and vehicles access to O'Brien's Center and to negotiate a hold-harmless and closure provision agreement, and

WHEREAS, the Director of Engineering and Transportation is recommending that this design exception be approved with conditions as set forth in an access agreement binding O'Brien's Development to certain performance criteria and studies to determine volume of traffic using the access, accident history at the access ramp, traffic volumes on Pelandale Avenue, O'Brien's Traffic Engineer's analysis as to impediments to traffic flow on Pelandale Avenue as a result of the access and any other factors O'Brien's Traffic Engineer or the City's Traffic Engineer deem relevant, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. O'Brien's Development is hereby authorized to install a far side off-ramp on Pelandale Avenue, 600 feet east of Dale Road.
2. The City Manager is authorized to execute a Pelandale Access Agreement with O'Brien's Development for this access.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-425

A RESOLUTION APPROVING A HOUSING MAINTENANCE PROGRAM LOAN FOR MANUEL H. CORTEZ AND MARIA HERNANDEZ P., SECURED BY THE HOME AT 423 PINE STREET, IN THE AMOUNT OF $49,143.58 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Modesto has a Housing Maintenance Loan program funded through federal Community Development Block Grant funds and proceeds from previous loans, and

WHEREAS, the City Council must approve all loans under this program for over $25,000, and

WHEREAS, the Cortez property is located in Target Area #4 and requires mandatory repairs, and

WHEREAS, staff is recommending approving a loan to Manuel H. Cortez and Maria Hernandez P. for a 3%, 15 year amortized loan with minimum monthly payments of $339.37, and

WHEREAS, the Housing Rehabilitation Loan Committee met on August 15, 2002, and supported the recommended loan amount and terms,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a Housing Maintenance Program loan for Manuel H. Cortez and Maria Hernandez P., secured by the home at 423 Pine Street, in the amount of $49,143.58.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-426

A RESOLUTION APPROVING AN AGREEMENT WITH STANCO TO PROVIDE $657,000 IN HOME FUNDS AND $175,000 IN HOME FUNDS SET ASIDE FOR COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS (CHDO) FOR THE DEVELOPMENT OF 3333 CARVER ROAD AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE HOME AGREEMENT.

WHEREAS, the Citizens Housing and Community Development Committee met on February 22, 2002, and supported allocating $832,000 to STANCO for the 3333 Carver Road Project,

WHEREAS, on April 9, 2002, the City Council approved Resolution No. 2002-168 allocating $1,082,000 in fiscal year 2001-2002 HOME funds for Affordable Housing, $175,000 of which was set aside for designated Community Housing Development Organizations (CHDOs), and

WHEREAS, on January 14, 1997, the City Council adopted Resolution No. 97-42 designating STANCO as a Community Development Housing Organization, and

WHEREAS, of the approved $1,082,000, $657,000 in HOME funds and $175,000 in CHDO-designated funds were allocated to STANCO of for the development of affordable housing at 3333 Carver Road, and

WHEREAS, on November 27, 2001, the City Council adopted Resolution No 2001-610A finding that the project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 92052017); and

WHEREAS, on November 27, 2001, the City Council reviewed and approved an amendment to section 7-3-9 of the Zoning Map to rezone from Planned Development

Zone P-D(510) to Planned Development Zone P-D(549), property located on the west side of Carver Road north of Montclair Drive at 3333 Carver Road, an 18-unit multi-family residential project located at 3333 Carver Road, Modesto California ("Project"), and

WHEREAS, the HOME funds will be used by STANCO to develop an 18 unit multi-family residential project, targeting low income working families, and

WHEREAS, the terms of the agreement include a 25-year deferral of principal and interested, amortized over a 30-year period, and

WHEREAS, in the 26th year, the loan begins accruing interest at a fixed rate of 3%, and

WHEREAS, STANCO is also required to have the 3333 Carver Road project certified through the Crime Free Multi Housing Program, which is administered by the Modesto Police Department and funded with CDBG funds, and

WHEREAS, on June 7, 2002, an Environmental Review Record was prepared, which indicates that, for the purposes of the National Environmental Protection Act (NEPA), the project will have no significant impact on the human environment and therefore, an Environmental Impact Statement under NEPA is not required, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an agreement with STANCO to provide $657,000 in HOME funds and $175,000 in HOME CHDO-designated funds for the development of 3333 Carver Road.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the HOME Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 427

A RESOLUTION APPROVING A COMPREHENSIVE TRAFFIC SAFETY PROGRAM – "MSTOP" – MODESTO'S SAFE TRAFFIC OPERATIONS PROGRAM – AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE STATE OFFICE OF TRAFFIC SAFETY FOR THE GRANT

WHEREAS, the Modesto Police Department has proposed a project to the State Office of Traffic Safety for a comprehensive traffic safety program to reduce fatal and injury collisions by 25 percent that includes speed, DUI, seat belt usage, public information and education and special enforcement operations, with the addition of two new Police Traffic Motor Officers to enhance the overall current operations of the Modesto Traffic Unit, and

WHEREAS, the objectives of this program include traffic safety presentations, contact with the media, membership in a local community traffic coalition, traffic and specific speed enforcement operations, DUI checkpoints, seat belt and child restraint surveys and child safety seat check-ups, and

WHEREAS, the expected outcome of the project is a substantial (25 percent) decrease in fatal and injury collisions, and

WHEREAS, the project cost is $356,018 for the 24 months of the project's duration from October 1, 2002 to September 30, 2004, and

WHEREAS, the State Office of Traffic Safety will fund $276,678 for the 24 month project, and the City of Modesto must match $79,340 (fifty percent of the salaries, benefits and budgeted overtime of the two grant Traffic Officers in the second year of the grant project), and

WHEREAS, the Safety and Communities Committee unanimously approved this action at its August 5, 2002, meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that this comprehensive traffic safety program - "MSTOP" – Modesto's Safe Traffic Operations Program is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to execute the project agreement for the State Funding in the amount of $276,678 with the State Office of Traffic Safety for "MSTOP" – MODESTO'S SAFE TRAFFIC OPERATION PROGRAM.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 428

A RESOLUTION AMENDING THE 2002/2003 ANNUAL BUDGET TO ESTIMATE REVENUE AND APPROPRIATE FUNDS FOR THE TRAFFIC SAFETY PROGRAM – "MSTOP" – MODESTO'S SAFE TRAFFIC OPERATIONS PROGRAM.

WHEREAS, the Modesto Police Department has proposed a project to the State Office of Traffic Safety for a comprehensive traffic safety program to reduce fatal and injury collisions by 25 percent that includes speed, DUI, seat belt usage, public information and education and special enforcement operations, with the addition of two new Police Traffic Motor Officers to enhance the overall current operations of the Modesto Traffic Unit, and

WHEREAS, the objectives of this program include traffic safety presentations, contact with the media, membership in a local community traffic coalition, traffic and specific speed enforcement operations, DUI checkpoints, seat belt and child restraint surveys and child safety seat check-ups, and

WHEREAS, the expected outcome of the project is a substantial (25 percent) decrease in fatal and injury collisions, and

WHEREAS, the project cost is $356,018 for the 24 months of the project's duration from October 1, 2002 to September 30, 2004 and,

WHEREAS, the State Office of Traffic Safety will fund $276,678 for the 24 month project and the City of Modesto must match $79,340 (fifty percent of the salaries, benefits and budgeted overtime of the two grant Traffic Officers in the second year of the grant project), and

WHEREAS, fiscal year 2002/2003 revenue and costs for the project will be $155,418,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2002/2003 Annual Budget is hereby amended to recognize additional revenue of $155,418 to State Grant Revenue, 0410-190-2966-3178 and that budget accounts be amended as follows:

0410-190-2966-0110	Salaries	$85,177
0410-190-2966-188	Benefits	31,581

0410-190-2966-0207	Conference	2,000
0410-190-2966-0301	Office Supplies	1,000
0410-190-2966-0356	Police Equipment	8,660
0410-190-2966-5700	Vehicles (Motorcycles)	27,000
Total		$155,418

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 429

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $250,000 FROM THE GENERAL FUND CONTINGENCY RESERVES AND APPROPRIATING IT TO THE CONSTRUCTION CIP - POLICE HEADQUARTERS CONSTRUCTION - FOR NECESSARY EQUIPMENT AND SERVICES IN PREPARATION FOR STAFF OCCUPANCY OF THE REMODELED FIELD OPERATIONS BUILDING

WHEREAS, in order for the staff of the Police Field Operations Division to occupy the remodeled police building, certain tenant occupancy equipment and/or services are necessary and not currently budgeted, and

WHEREAS, the cost of the equipment and these services is $250,000, and

WHEREAS, purchase of this equipment and payment for these services is not budgeted and therefore requires the transfer of funds, and

WHEREAS, the Safety and Communities Committee unanimously approved this appropriation transfer at its August 5, 2002 meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

From:	Contingency Reserves	0100-800-8000-8003	- $250,000
To:	Construction CIP	1300-190-J299-6040	- $250,000

BE IF FURTHER RESOLVED that City staff is hereby authorized to acquire the equipment and procure the services necessary for tenant occupancy of the remodeled Field Operations Building.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By:
Michael Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-430

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND COTTON/BRIDGES/ASSOCIATES TO ASSIST IN THE PREPARATION OF AN UPDATE TO THE CITY OF MODESTO HOUSING ELEMENT OF THE URBAN AREA GENERAL PLAN, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ANY AMENDMENTS TO THE AGREEMENT, IF NEEDED IN THE FUTURE IN AN AMOUNT NOT TO EXCEED $6,060.00

WHEREAS, the City of Modesto adopted the Urban Area General Plan on August 15, 1995, by Resolution No. 95-409, in accordance with State of California Government Code Section 65302, and

WHEREAS, the State of California Government Code Section 65302 requires the inclusion of a Housing Element (as provided in Government Code Section 65580 et seq.) as part of the City's General Plan, and

WHEREAS, the State of California Government Code Section 65588 (e) (6) requires the City of Modesto to revise and update its Housing Element by December 31, 2003, and

WHEREAS, the revision to and update of the Housing Element will address many issues, including identifying existing and projected housing needs, identifying appropriate resources to address housing needs, identifying existing and proposed housing programs, identifying appropriate economic and job development goals and strategies, and

WHEREAS, the Housing Element will be revised and updated to address these issues with an additional focus on job and economic development strategies, and said update effort requires the services of a Housing Policy Analyst Service Provider, and

WHEREAS, by Resolution 2002-222, adopted on May 7, 2002, the City Council authorized the City Manager to distribute a Formal Request for Proposal to potential housing analyst service providers, to assist the City with the revision and update of the City of Modesto Housing Element of the Urban Area General Plan, and

WHEREAS, seven firms specializing in housing element updates were sent a copy of the Request For Proposal, of which two firms responded by submitting Proposals to complete the proposed scope of work, and

WHEREAS, a staff oral board interviewed the two firms (Parsons and Cotton/Bridges/Associates) and recommended Cotton/Bridges/Associates to assist the City in updating the City of Modesto Housing Element in conformance with the advertised scope of work,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Cotton/Bridges/Associates to assist in the update of the Modesto Housing Element of the Urban Area General Plan be, and it is, hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.

BE IT FURTHER RESOLVED that the City Manager is authorized to approve and execute amendments to the Agreement, if needed in the future, in an amount not to exceed $6,060.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST Jean Zahr
Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:
BY: _____
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-430A

A RESOLUTION CREATING AN AD HOC HOUSING ELEMENT ADVISORY COMMITTEE INCLUDING THE CHARGE AND GUIDELINES FOR THE COMMITTEE

WHEREAS, the City of Modesto adopted the Urban Area General Plan on August 15, 1995, by Resolution No. 95-409, in accordance with State of California Government Code Section 65302, and

WHEREAS, the State of California Government Code Section 65302 requires the inclusion of a Housing Element (as provided in Government Code Section 65580 et seq.) as part of the City's General Plan, and

WHEREAS, the State of California Government Code Section 65588 (e) (6) requires the City of Modesto to revise and update its Housing Element by December 31, 2003, and

WHEREAS, the revision to and update of the Housing Element will address many issues, including identifying existing and projected housing needs, identifying appropriate resources to address housing needs, identifying existing and proposed housing programs, identifying appropriate economic and job development goals and strategies, and

WHEREAS, many interested parties in the community are interested and concerned in addressing the housing challenges and opportunities in the City, and

WHEREAS, the State of California requires that the City provide opportunities for public participation during the housing element update process, and

WHEREAS, the Planning Commission, the Citizens Housing and Community Development Committee, and the Citizens Redevelopment Advisory Committee each are involved in carrying-out housing policy for the City of Modesto, and

WHEREAS, a joint advisory body consisting of representatives from diverse housing policy advisory committees can provide a recommendation for a comprehensive housing policy, and

WHEREAS, the proposed Housing Element Advisory Committee will be established to facilitate the update of the Housing Element of the Urban Area General Plan and serve only during this process,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Housing Element Advisory Committee is formed as an Ad Hoc advisory committee with the purpose of providing input to staff, so staff can formulate a recommendation to the Planning Commission and City Council on the update of the Modesto Housing Element of the Urban Area General Plan.

BE IT FURTHER RESOLVED that the charge, formation and composition of the Ad Hoc Housing Element Advisory Committee (HEAC) shall be as follows:

1. The Housing Element Advisory Committee shall be composed of a representative from the each of following advisory groups:

   The Planning Commission
   The Citizens Housing and Community Development Committee
   The Citizens Redevelopment Advisory Commission.

2. Two Councilmembers shall serve on the Committee, one as Chairperson and the other as Vice Chairperson. One Councilmember will be appointed from the Economic Development Committee.

3. The Community and Economic Development Department shall provide staff services to the Committee.

4. The Committee shall be charged with the responsibility of providing input to staff, so it can formulate a recommendation to the City Council and the Planning Commission the draft housing element.

5. The Committee is directed to meet as set forth in Exhibit A.

6. Local non profit housing service providers, the building industry association, and interested parties should be included as resources for feedback information and housing program and policy development.

BE IT FURTHER RESOLVED, that the creation of the Housing Element Advisory Committee is consistent with the Urban Area General Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST Jean Zahr
Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
Michael D. Milich, City Attorney

Housing Element Update
Meeting Schedule

Exhibit A

8/26/02

Month/Year	Meeting with City Staff	Other City Committee Meeting Dates	Housing Element Advisory Committee Workshop	Formal Public Hearing
Sep-02	**25-Sep** Project Overview		**25, 26, 30 - Sept.** nghd. Wkshps.	
Oct-02			**16-Oct** Intro/req/coments	
Nov-02	**13-Nov** Project checkpoint		**13-Nov** Past goals and accomplishments	
Dec-02			**11-Dec** Housing Needs	
Jan-03	**8-Jan** Project check point	**23-Jan** CH&CDC Mtg.	**8-Jan** Resource Inventory and constraints	
Feb-03		**5-Feb / 10-Feb** CRAC / EDC Mtg.	**12-Feb** Housing programs	
Mar-03	**12 & 13 - Mar** Recap after HEAC and public comments		**12-Mar** Goals, Policies and Programs	
Apr-03			16-Apr Distribute draft H.E. for review and comments.	
May-03				**14-May** Joint PC/CC study session
Jun-03				
Jul-03				
Aug-03	**TBA- Aug** Meet w/HCD and city staff			
Sep-03	**24-Sep** Review HCD findings			
Oct-03				**20-Oct** Planning Commission
Nov-03				**25-Nov** City Council
Dec-03				

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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-431

A RESOLUTION DETERMINING THAT THE PROPOSED ROUNDABOUT POLICY IS EXEMPT FROM CEQA AND MAKING THE FINDING THAT THE PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017).

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (State Clearing House No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Engineering and Transportation Department by Environmental Assessment Initial Study EA/ET No. 2002-08 reviewed the proposed Roundabout Policy, project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, The City of Modesto Planning Commission has reviewed the Initial Study EA/ET No. 2002-8 and recommends that Council find that the proposed project is within the scope of the Master Environmental Impact Report, and,

WHEREAS, on September 3, 2002, the City Council considered approving and adopting a proposed Roundabout Policy (the "Project"), concurrently with this resolution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study EA/ET No. 2002-08 for the Proposed Roundabout Policy, and based on the substantial evidence included in said Initial Study, a copy of which is attached hereto as **Exhibit "A"**, and incorporated herein by reference, the Council makes the following findings:

1. That the proposed Roundabout Policy project is within the scope of the General Plan and the Master EIR (State Clearing House No. 92052017).

2. That the project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.

3. That pursuant to Section 21157.1 of the Public Resources Code, no new environmental document in addition to the Environmental Assessment and the accompanying Statement of Exemption or findings are required by the California Environmental Quality Act (CEQA).

4. There are no special features which are unique to the proposed project that require project specific mitigation measures different from those contained in the Master EIR document. All certified mitigation measures identified in the Master EIR will apply citywide.

5. That all feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

6. That the Initial Study provides substantial evidence to support all of the above findings.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Conrad, Keating

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

INITIAL STUDY EA/ET NO. 2002-08

EXHIBIT "A"

City of Modesto

Initial Study

Roundabout Policy For the City of Modesto

Environmental Assessment Number ET 2002-08

I. PURPOSE:

California Environmental Quality Act (CEQA) Section 15378 (a) describes activities that are considered to be a project. The proposed Modesto Roundabout Policy (attached) is a project under this CEQA Section. The proposed Roundabout Policy considers roundabouts as an alternative for vehicular traffic control measures at street intersections. The Modesto Roundabout Policy proposes the general framework and development policy for street intersections that can be accommodated with roundabouts. The proposed Roundabout Policy focuses on the requirement of roundabouts in both newly developing areas and in retrofit areas the in the City.

The purpose of this Initial Study is to provide information that will document whether the proposed policy is encompassed in the adopted Master Environmental Impact Report and whether any new impacts or mitigation measures are appropriate for this project.

The Master Environmental Impact Report for the Modesto Urban Area General Plan includes mitigation measures that would result in the improvement of traffic flow and prevent the degradation of air quality. These are listed below:

Chapter IV Environmental Analysis, Section 1 Traffic and Circulation Needs, sub-section III Mitigation Measures, C.3 encompassed the strategy that the City would consider implementing policy-oriented and operational measures to improve roadway circulation conditions.

Chapter IV Environmental Analysis, Section 2 Degradation of Air Quality, III Mitigation Measures, 2 and Table 2-2 (1)(a) encompassed the strategy for the City to consider measures to increase the capacity of the existing road network prior to constructing more capacity.

The Final Master EIR (SCH # 92052017) was certified by the Modesto City Council on August 15, 1995.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the Modesto Urban Area General Plan. This Initial Study also provides documentation that the project is considered in the Master EIR as being within the scope of the General Plan analyzed by the Master EIR.

II. PROJECT DESCRIPTION:

A. **Project Title**:
Modesto Roundabout Policy

B. **Lead Agency Name and Address**:
City of Modesto, P.O. Box 642 Modesto, CA 95353

C. **Contact Person, Address and Phone Number**:
Firoz Vohra, Traffic Engineer, 1010 Tenth Street Street, Suite 4100, Modesto, CA (209) 577-5429

D. **Project Location**:
The Modesto Urban Area

E. **Project Sponsor, Address and Phone Number**:
City of Modesto, P.O. Box 624, Modesto, CA 95353

F. **Modesto General Plan Designation**:
Land Use Diagram of Modesto Urban Area General Plan

G. **Zoning**:
City of Modesto Zoning Map

H. **Description of Proposed Project**:
The project is adoption of a Roundabout Policy for the City of Modesto's transportation and circulation system (see attached **Modesto Roundabout Policy dated March 2002**).

This document is a policy document that describes the criteria for using a roundabout design standard at various street intersections.

I. **Surrounding Land Uses**:
Unincorporated County.

J. **Other Public Agencies whose Approval is required**.
None.

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR:

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms to the analysis contained within the Master EIR.

A. Traffic and Circulation

Implementation of the proposed Modesto Roundabout Policy will result in the development of roundabout design standards at existing, but mostly at planned street intersections. These planned improvements would not adversely effect the existing or planned roadway and intersection capacity of the City's circulation system. In fact, the Roundabout Policy will lend itself to improve the traffic flow through intersections. The

improvement in traffic flow, and therefore level of service, will reduce traffic congestion and serves to increase road capacity and the efficiency of the overall circulation system. The Modesto Roundabout Policy would not result in significant increase in demand for circulation facilities that are not anticipated by the traffic model that are analyzed in the General Plan. Thus, the proposed adoption of the Modesto Roundabout Policy is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, therefore, still valid.

B. Degradation of Air Quality

Adoption of the proposed Modesto Roundabout Policy for the City of Modesto would not degrade the level of service of roadways or intersections, but rather increase traffic circulation efficiencies. In fact, the resulting roundabouts will contribute to improved air quality by reducing the amount of vehicles idling at stops signs at formerly congested street intersections. Thus, adoption of the proposed Modesto Roundabout Policy will not cause additional traffic-related impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, therefore, still valid.

C. Generation of Noise

Adoption of the proposed Roundabout Policy for the City of Modesto would not adversely effect the level of service of roadways or intersections, but rather implementation of the roundabout policy would increase circulation efficiencies. Because there would not be a significant increase in traffic impacts, and roadway level of service would remain consistent with the General Plan, the change will not affect an increase in the projected generation of traffic-related noise for this area. Therefore, the project will not create additional significant effects, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.

D. Loss of Productive Agricultural Land

The proposed roundabout designs in the Modesto Roundabout Policy are generically called for within the existing General Plan Area and do not require development on productive agricultural lands. Therefore, implementation of the design standards in the Modesto Roundabout Policy would not result in the conversion of productive farmland beyond that analyzed by the General Plan Master EIR. Therefore, the Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. Increased Demand for Water Supplies

Implementation of the Modesto Roundabout Policy would not result in a substantial increase in demand for water supplies. Implementation of the roundabout designs would require no additional water supplies beyond that identified in the Increased Demand for Water Supplies Section of the MEIR. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services

Implementation of the Modesto Roundabout Policy does not require any significant increase in sewer services, but rather is focused on increasing the capacity for traffic circulation. Therefore, the project would not create a significant increase in demand for sewer capacity not already identified in the MEIR. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are, therefore, still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

Implementation of the Modesto Roundabout Policy will be focused almost exclusively on existing or planned roadways and right-of-ways contained in the adopted General Plan. Therefore, there is clearly no impact to sensitive wildlife or any plant habitat beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat Section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. Disturbance of Archaeological and Historic Sites

The design standards enacted by the Modesto Roundabout Policy would be required and implemented entirely within the context of the adopted General Plan analyzed by the Master EIR. Therefore, its implementation would not disturb any new archaeological or historic sites not already analyzed in the General Plan MEIR, Figure 8-1. The Existing conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. Drainage, Flooding and Water Quality

Implementation of the design standards enacted by the Modesto Roundabout Policy would be focused exclusively on existing or planned roadways and right-of-ways contained in the adopted General Plan. Therefore, the project will not create any new significant drainage, flooding or water quality impacts that were not addressed in the MEIR. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are, therefore, still valid.

J. Increased Demand for Storm Drainage

Implementation of the design standards enacted by the Modesto Roundabout Policy would be focused almost exclusively on existing or planned roadways and right-of-ways contained in the adopted General Plan. Therefore, the project will not create any new significant drainage, flooding or water quality impacts that were not addressed in the MEIR. All projects implementing the Transit Plan will be required to meet local standards for storm drainage. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are, therefore, still valid.

K. Increased Demand for Parks and Open Space

Implementation of the design standards enacted by the Modesto Roundabout Policy would be focused almost exclusively on existing or planned roadways and right-of-ways contained in the adopted General Plan. The design standards enacted by the Modesto Roundabout Policy would not generate any new population that would use parks or open space facilities. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are, therefore still valid.

L. Increased Demand for Schools

Implementation of the design standards enacted by the Modesto Roundabout Policy would be focused almost exclusively on existing or planned roadways and right-of-ways contained in the adopted General Plan. Since there will be no students generated as a result of the project, the Modesto Roundabout Policy will not impact the capacity of Modesto school system. Thus, Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are, therefore, still valid.

M. Increased Demand for Police Services

Implementation of the design standards enacted by the Modesto Roundabout Policy will not result in a significant increase in service demand for the City of Modesto Police Department. The proposed roundabouts will be in the area studied by the General Plan Master EIR and is anticipated to have a less than significant impact on the need for additional police services. The roundabouts are anticipated to reduce the number of calls for services due to fewer vehicular accidents at street intersections. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are, therefore, still valid.

N. Increased Demand for Fire Services

Implementation of the roundabout design standards enacted by the Modesto Roundabout Policy will not result in a significant increase in service demand for the City of Modesto Fire Department. The proposed roundabouts are located in the area studied by the General Plan Master EIR and are anticipated to have a less than significant impact on the need for additional fire services. Therefore, the Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore, still valid.

O. Generation of Solid Waste

Implementation of the design standards enacted by the Modesto Roundabout Policy would be focused almost exclusively on existing or planned roadways and right-of-ways contained in the adopted General Plan. The proposed roundabouts would not generate any new population that would generate additional solid waste. Therefore, the Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are, therefore, still valid.

P. Generation of Hazardous Materials

Because the proposed design standards enacted by the Modesto Roundabout Policy will not result in additional industrial development not already identified in the adopted General Plan, there will be no additional hazardous material generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-15) are, therefore, still valid.

Q. Landslides and Seismic Activity

Because the design standards enacted by the Modesto Roundabout Policy may effect existing and planned roads, it will have no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Landslide and Seismic Activity (pages IV-17-1 through IV-17-11) are, therefore, still valid.

R. Energy

Because the design standards enacted by the Modesto Roundabout Policy, when implemented, would be located essentially within the planned Modesto Urban Area General Plan there will not be a significant increase in demand for energy beyond that analyzed in the MEIR. Utility companies serving the Modesto Urban Area indicated, during MEIR preparation, that development of the urban area would result in a less than significant impact on demands for energy. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are, therefore, still valid. Mitigation Measures for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed Modesto Roundabout Policy for the City of Modesto is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017).

B. The proposed roundabout design standards in the Modesto Roundabout Policy will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

C. No new environmental document, or findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per section 21157.1).

D. There are no specific features unique to this proposed Modesto Roundabout Policy that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

E. This Initial Study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: Firoz Kolsa

Title: Traffic Engineer

Traffic/City Council/2002/Jul-Dec/Roundabouts/Initial Study

Attachment: Modesto Roundabout Policy dated March 2002.

RESCINDED
Print
03-24-2004
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2004-114

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-432

A RESOLUTION ESTABLISHING A ROUNDABOUT POLICY TO CREATE CONSISTENT GUIDELINES FOR INSTALLATION AND USE OF ROUNDABOUTS IN THE CITY OF MODESTO

WHEREAS, staff has been implementing roundabout installations in both newly developing areas and in retrofit areas in Modesto, and

WHEREAS, there is no currently accepted City policy regarding guidelines for use and installation of roundabouts, and

WHEREAS, staff developed a draft Roundabout Policy to create consistent guidelines for installation and use of roundabouts, and

WHEREAS, staff conducted public workshops and meetings in February and March 2002 with various groups to receive public input on the draft Roundabout Policy, and

WHEREAS, on March 21, 2002, the Transportation Policy Committee recommended approval of the draft Roundabout Policy and authorized staff to seek approval of the Roundabout Policy from the City Council, and

WHEREAS, following a public hearing on June 3, 2002, regarding the draft Roundabout Policy, the Planning Commission recommended adoption of the draft Roundabout Policy, and

WHEREAS, the City Council reviewed and considered the draft Roundabout Policy on September 3, 2002,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the Modesto Roundabout Policy for installation and use of

roundabouts in the City of Modesto, a copy of which is attached hereto as **Exhibit "A"**, and incorporated by reference as though fully set forth herein. However, the Council hereby directs Staff to develop an amendment to the Policy setting forth an appeal process and more fully describing the approval process of retrofitting existing intersections.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on 3rd of September, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Conrad, Keating
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Modesto Roundabout Policy

Attachment 1

Roundabout Policy

I. Introduction

II. Modern Roundabouts – What Are They?

III. The Benefits of Roundabouts

IV. The Use of Roundabouts – Where They Are Applicable and Where They Are Not.

V. Roundabout Justification

VI. Implementation Strategy

VII. Design Criteria

VIII. Roundabout Installation in Newly Developing Areas

IX. Roundabout Installation at Retrofit Locations

X. Operation & Maintenance

I. Introduction

Each year the City receives numerous requests to reduce the traffic congestion on streets throughout the City. Citizens also express concerns about the safety of the streets on which they live. In an effort to find appropriate ways to deal with these concerns, reduce traffic congestion and improve safety, the City has recently considered the use of roundabouts.

The purpose of this Roundabout Policy is to establish guidance on where roundabouts are to be used in the City, to describe the performance and operation of roundabouts, and to give general guidance on design standards for roundabouts, so that high standard and uniform design can be implemented. It is recognized that the use and design of roundabouts in the United States is an emerging technology and that as the technology improves, changes in design and application will be modified so that the best available practices can be implemented.

II. Modern Roundabouts – What Are They?

In essence, a roundabout is a traffic circle that has been refined in its design principles and characteristics. These improved principles and design standards have made roundabouts a safe and efficient form of intersection control.

Traffic circles have many forms, but their common feature is that they are designed around a central island that prevents vehicles from passing through them on a linear path. Until recently, roundabouts have been slow to gain support in this country. The lack of acceptance can generally be attributed to the negative experience with traffic circles built in the earlier half of the twentieth century. Severe safety and operational problems caused these traffic circles to fall out of favor by the 1950's. However, substantial progress has been achieved in the subsequent design of circular intersections, and a modern roundabout should not be confused with the traffic circles of the past.

The modern roundabout is defined by four basic principles that distinguish it from a nonconforming traffic circle.

1. Roundabouts follow the "yield-at-entry" rule, in which approaching vehicles must wait for a gap in the circulating flow before entering the circle, whereas traffic circles require circulating vehicles to grant the right of way to entering vehicles.
2. Roundabouts involve low speeds for entering and circulating traffic, as governed by small diameters and deflected entrances. In contrast, traffic circles emphasize high-speed merging and weaving, made possible by larger diameters and tangential entrances.
3. Compared to most traffic circles, roundabouts are small. Usually, a roundabout can be retrofitted within the space used by an existing traffic signal or stop-controlled intersection, with little or no additional right-of-way required.
4. At the entrance of each roundabout, triangular 'splitter islands' prevent drivers from going around the circle the wrong way, and simultaneously provide a safe refuge for crossing pedestrians. These islands are not used in traffic circles.

In giving priority to entering vehicles, a traffic circle tends to lock up at higher volumes. The operation of a traffic circle is further compromised by the high speed environment in which large gaps are required for proper merging. These deficiencies have been corrected with the modern roundabout.

Figure 1-1 following shows the layout and design of a basic modern roundabout.

III. The Benefits of Roundabouts

In the interest of safety, the conflict between two competing traffic movements must be resolved by a traffic control device that gives one movement priority over the other. When both movements are heavy, the priority must be alternated or distributed in some manner or else one of the movements will fail. For high volume roadways, traffic signals provide the most common traffic control discipline in the U.S. because of the positive way in which the priority is alternated. Low volume roads are normally controlled by stop signs. A growing number of studies show that in many situations, modern roundabouts are both safer and more efficient than either traffic signals or stop signs.

For the past two decades, thousands of modern roundabouts have been replacing traffic signals and stop signs all across Europe. This trend is well documented by several papers presented at the conference "Giratoires '92" (Roundabouts '92). France, for instance, has been building about 1,000 roundabouts per year. In the Netherlands, more than 400 were built between 1986 and 1992. In Norway, the number swelled from just 15 in 1980 to 500 in 1992; in Switzerland, from 19 to 220 during the same period. And, with the construction of some 50 to 100 modern roundabouts in the last five to eight years, roundabouts have finally gained a foothold in the U.S.

Modern roundabouts are now found in a number of U.S. states, including California, Nevada, Florida, South Carolina, Massachusetts, Vermont, Tennessee, Texas, Washington, Kansas, Wisconsin and Maryland. They are being used in a wide range of applications: to control speeds on residential streets; to improve capacity at congested freeway interchanges; to beautify gateway entrances to towns and shopping centers: and, most importantly, to reduce the number and severity of crashes at both major and minor intersections. In many communities, the roundabouts have been so successful that residents have quickly demanded more to fix other problem intersections.

Sources such as Public Roads Magazine, Tech Transfer from the University of California Institute of Transportation Studies, and Transportation Departments from the states of Maryland and Florida indicate that the following benefits are gained through the use of roundabouts:

1. Safety – Roundabouts have been shown to reduce fatal and injury accidents as much as 75% in Australia and 86% in Great Britain. The reduction in accidents is attributed to slower speeds and reduced number of conflict points.
2. Low Maintenance – Eliminates maintenance costs associated with traffic signals. In addition, electricity costs are reduced.
3. Reduced Delay – By yielding at the entry rather than stopping and waiting for a green light, delay is significantly reduced. A reduction in delay corresponds to a decrease in fuel consumption and air pollution.
4. Capacity – Intersections with a high volume of left turns are better handled by a roundabout than a multi-phased traffic signal.
5. Aesthetics – The central island affords an opportunity to provide landscaping, or some other forms of beautification.

The reduction in crashes occurs for several reasons:

- The number of possible conflict points between vehicles decreases from 32 at a four-way intersection, to 8 at a roundabout. (See the figures below.) By reducing the number of conflict points, roundabouts also reduce the number of collisions.
- Vehicle speeds at roundabouts are much lower, generally less than 20mph. Lower speeds mean shorter braking distances and longer decision-making time. Therefore, even if someone makes a mistake a collision is easier to avoid.

- Decision-making is simplified. A driver about to enter has one decision: "Is there a vehicle circulating in the roundabout blocking my path?" If not, the driver enters. Otherwise, the driver waits for a gap.
- If a collision does occur at a roundabout, the force of impact is much lower due to the lower speed and the low angle of impact. No one can "run the red" and cause a right angle collision. Nor can a left-turning driver make a mistake in selecting a gap in the approaching through traffic, with the resulting head-on or right angle crash.

IV. The Use of Roundabouts – Where They Are Applicable and Where They Are Not.

Roundabouts perform better at intersections with roughly similar traffic flows and a high proportion of left turning traffic. This does not mean that all movements must be of the same magnitude. Rather, that the predominant movements are "broken up" by circulating traffic, so that gaps are provided to allow vehicles waiting on adjacent legs to enter the roundabout without major delays.

Engineering judgement and traffic analysis must be factored into the decision making process when roundabouts are being considered. Roundabouts are not the solution to all traffic problems at all locations. Careful study is required to identify the most appropriate control mode at any given location. The studies required to justify the installation of traffic signal control and all-way stop control are based on the warrants and requirements set forth in the Caltrans Traffic Manual. No such warrants or requirements exist for roundabouts.

Three general questions must be answered to justify a roundabout as the most appropriate form of control at any intersection.

- Will a roundabout be expected to perform better than other alternative control modes? In other words, will it reduce delay, improve safety or solve some other operational problem?
- Are there factors present to suggest that a roundabout would be a more appropriate control, even if delays with a roundabout are slightly higher?
- If any factors exist that makes installation of a roundabout inadvisable, can they be resolved satisfactorily?

If these questions may be answered favorably, then a roundabout should be considered as a logical candidate control mode.

Generally speaking, roundabouts are particularly suited in the following situations:

- Heavy delay on minor road.
- Traffic signals result in greater delay.
- Intersection with heavy left turning traffic.
- Intersection with more than four legs or unusual geometry.
- At rural intersections (including those in high-speed areas) at which there is an accident involving crossing traffic.
- Where major roads intersect at "Y" or "T" junctions.
- At locations where traffic growth is expected to be high and where future traffic patterns are uncertain or changeable.
- At intersections where U-turns are desirable.
- At Freeway Interchange Ramps.
- High accident intersection where right angle accidents are prominent.

Generally speaking, roundabouts are unsuitable in the following situations:

- Where a satisfactory geometric design cannot be provided.
- Where a signal interconnect system would provide a better level of service.
- Where it is desirable to be able to modify traffic via signal timings.
- Where peak period reversible lanes may be employed.
- Where the roundabout is close to existing signals and queuing from the signal could be a problem.
- Where there are insufficient gaps in the major flow, so that the minor flow has difficulty entering the roundabout. (Sometimes, however, this problem can be fixed by signalizing one approach to a roundabout to create gaps for another leg. Usually, this signal need only be turned on during the peak hour.)
- Where traffic volumes are very high, say 6,000 vph. (Here a very large signalized intersection is necessary to separate vehicles in time. Alternatively, an overpass is probably more suitable and safer.)

V. Roundabout Justification

Roundabouts have been used successfully in many cities throughout the world, including several in the U.S. They offer a proven form of traffic control that has, up to this point, not been applied extensively in Modesto. There may be several locations in the City that could benefit from the installation of a roundabout as an alternative to the more conventional intersection control methods.

This section sets forth the procedure required to justify a roundabout as the most appropriate form of control for a given situation. The procedure is intended to provide documented support for the decision to install a roundabout.

A. Intersection Control Alternatives

There are three alternatives to roundabouts for intersection control. Each has significant operational limitations in comparison with a roundabout. Each alternative will be discussed separately:

Traffic Signals – Roundabouts can efficiently handle particular intersections with decreased delay and greater efficiency than traffic signals. This is especially true where traffic volumes entering the roundabout are roughly similar and where there are a high number of left turning vehicles.

Two-Way Stop Control (TWSC) can accommodate low traffic volumes with much less delay than traffic signals, but this control mode favors the major street (unstopped) movements at the expense of the minor street (stopped) movement. When the major street traffic volumes are heavy (typically 1400 vph or more) there is little or no opportunity for cross street access. This places a definite limit on the application of TWSC. Even when TWSC capacity is not exceeded, there is often public pressure to install signals at TWSC intersections.

All-Way Stop Control (AWSC) treats the cross street movements more favorably, without the wasted time associated with traffic signals. However, the rate at which vehicles may enter an intersection (i.e. headway) under AWSC is relatively low and, therefore, the total intersection capacity is somewhat limited.

The roundabout on the other hand, overcomes all of these disadvantages. There is no sequential assignment of right-of-way and therefore no wasted time. Left turns are not subordinated to through

traffic. Vehicles enter under yield control instead of stop control and therefore have lower headways and higher capacities. There are no electrical components to malfunction.

B. Roundabout Justification Categories

To provide an organized approach to the justification process, a series of categories has been developed, each of which represents a good reason to install a roundabout. These categories are summarized in the following Table in terms of their anticipated relationships to warrants contained in the Caltrans Traffic Manual. A brief description of the justification categories is provided.

1. Community Enhancement

Projects qualifying for roundabout treatment in this category should demonstrate that a roundabout is an essential part of the community's development plan for a given area, and not just an arbitrary idea. Roundabouts in this category would typically have one or more of the following characteristics:

- They are often located in commercial and civic districts. Traffic volumes would typically be low, otherwise, one of the more operationally oriented justification categories would normally be more appropriate;
- Aesthetics are an important factor in this category. Particular attention will be required with respect to choice of materials, landscaping requirements, etc.; and
- They will not generally be proposed as a solution to traffic problems. Therefore, any factors that would imply either operational or safety problems should be taken very seriously.

2. Traffic Calming

Projects qualifying for roundabout treatment in this category should demonstrate that there is a need for traffic calming along the intersecting roadways. Although these roundabouts are primarily located in residential areas, there are situations where a roundabout on a higher classification road would be justified under this category. Examples of conditions that might suggest a need for traffic calming include:

- Documented observations of speeding, high traffic volumes and/or careless driving activities; or
- New construction (road opening, traffic signal, new road, etc.) which would potentially increase the volumes of "cut-through" traffic.

3. Safety Improvement

Projects qualifying for roundabout treatment in this category should demonstrate that there is a safety problem at the intersection. In addition, it should be documented how the roundabout treatment will improve safety at the intersection. A special review of accident reports and the type of accidents occurring is usually necessary. Examples of safety problems include:

- High rates of crashes involving conflicts that would be readily resolved by a roundabout (right angle, head-on, left/through, U-turns, etc.);
- High crash severity that should be reduced by the slower speeds associated with roundabouts;
- Site visibility problems that reduce the effectiveness of stop sign control; and
- Inadequate separation of movements, especially on single lane approaches.

4. All Way Stop Control Alternative

Projects qualifying for roundabout treatment in this category should demonstrate that an all-way stop control (AWSC) is warranted and that delay from the roundabout treatment would compare favorable with the AWSC treatment. Traffic volumes in this category will not normally meet the Caltrans warrants for traffic signals.

5. Low Volume Signal Alternative

Projects qualifying for roundabout treatment in this category should demonstrate that warrants for a traffic signal have been met. It should also be demonstrated that delay from the roundabout treatment would compare favorably with the signal treatment. This category will normally be limited to single lanes on the approaches and on the circulating roadway.

6. Medium Volume Signal Alternative

Projects qualifying for roundabout treatment in this category should demonstrate that warrants for a traffic signal have been met. It should also be demonstrated that delay from the roundabout treatment would compare favorably with the signal treatment. This justification category is appropriate for two lane roundabouts, however, designs involving more than one lane should only be considered when an operational analysis indicates a significant advantage compared to a signalized intersection.

The conversion of an existing signalized intersection to a two-lane roundabout would normally be undertaken as a solution to an observed operational or safety problem caused by the signal.

7. Special Conditions

Projects qualifying for roundabout treatment in this category should demonstrate that site specific conditions make a roundabout the appropriate intersection treatment. These conditions include unusual geometrics, high traffic volumes, right-of-way limitations, 5 or more legs in the intersection, etc.

VI. Implementation Strategy:

As stated earlier, roundabouts may be deployed at a variety of locations throughout the City of Modesto's transportation system. It is the policy of the City of Modesto to implement roundabouts at the following locations and in the following manner:

A. <u>At Minor Collector/Minor Collector Intersections:</u>

- For newly developing areas, each Minor Collector/Minor Collector intersection shall be evaluated for the installation of a roundabout, and except where there are physical constraints or significant overriding circumstances, roundabouts are proposed for installation.

- For retrofit locations, Section IX of this policy governs.

B. <u>At Intersections that are classified Minor Arterial/Collector; Minor Arterial/Minor Arterial or Principal Arterial/Minor Arterial, the following shall apply:</u>

<u>Before Installation:</u>

A roundabout at intersections with a classification higher than Collector/Collector cannot be justified as the most appropriate form of control without a sense of how it will perform at a specific intersection and how that performance will compare to other intersection control alternatives.

In the City of Modesto, the implementation of roundabouts at intersections classified Minor Arterial/Collector and above will be accomplished using the following approach:

Step 1. Identify the target location.
Step 2. Perform computerized capacity analysis of proposed roundabout installation. If favorable, then
Step 3. Recommend, design and install the roundabout.

A capacity analysis of each proposed roundabout installation shall be conducted to demonstrate its ability to handle anticipated traffic volumes for the subject intersection using a 20-year design period. The capacity analysis shall be accomplished using traffic projections from the most up to date traffic model the City possesses and by using the most up to date simulation software available to simulate roundabout operation as determined by the City's Traffic Engineer. The capacity of the roundabout must be equal to or better than that provided by the appropriately warranted traditional traffic control devices for the same traffic design volumes being analyzed.

<u>After Installation:</u>

The analytical models described above can only estimate the performance of a roundabout. Actual performance can only be obtained through field observation. However, given that the roundabouts are designed and simulated based on a 20-year design period, the roundabouts should perform very well when first opened, and for a good number of years thereafter. Nonetheless, initial field observations of the roundabout operation at its inception is prudent. Observations will be made to verify that the roundabout operates as intended and the travelling public negotiates the roundabout in an appropriate manner. All of the following questions should produce negative answers:

- Do drivers stop unnecessarily at the yield point?
- Do drivers stop unnecessarily within the circulating roadway?
- Do any vehicles pass on the wrong side of the central island?
- Do queues from an external bottleneck back up in the roundabout on an exit road?
- Do the actual number of entry lanes differ from those intended by the design?
- Do smaller vehicles encroach on the truck apron?
- Is there evidence of damage to any of the signs in the roundabout?
- Is there any pedestrian activity on the central island?
- Do pedestrians and cyclists fail to use the roundabout as intended?
- Are there tire marks on any of the curb surfaces to indicate vehicle contract?
- Is there any evidence of minor accidents, such as broken glass, pieces of trim, etc., on the approaches or the circulating roadway?
- Is there any gravel or other debris collected in non-traveled areas that could be a hazard to bicycles or motorcycles?

These questions should all be examined in the days immediately after the roundabout opening. Both daytime and nighttime observations of the operating characteristics should be made. Follow-up strategies to ensure satisfactory operation may be implemented as necessary after initial observation. Periodic checks should also be made to ensure that no serious sight distance obstructions have occurred due to growth of foliage or roadside development. The City's Traffic Engineering Staff will continue to monitor traffic volumes, accidents and operations at intersections with roundabouts, just as they do at intersections where other alternative traffic control devices are in place.

VII. Design Criteria

Neither Caltrans nor ASSHTO currently maintains standards for the design of roundabouts. Until design standards are adopted by Caltrans, all proposals for roundabouts on the City of Modesto street system shall be in accordance with details provided in the City's Standard Specifications, or as conceptually approved by the City's Traffic Engineer.

The conceptual approval will be based on whether the proposal conforms with the general concepts contained in this policy. The purpose of this document is to provide a basis for evaluating roundabout proposals, and it is not intended to contain the comprehensive information needed to complete a design. Proposed roundabouts being designed by City engineering staff and by those other than City staff should be discussed with the City's Traffic Engineer throughout the conceptual and design stages of the project.

VIII. Roundabout Installation in Newly Developing Areas

Section V of this policy describes in general terms when a roundabout installation may be appropriate for a given situation. It is recognized that roundabout installation is applicable in a variety of geometric configurations, and as such, the design can vary greatly, depending on the situation. As such, it is incumbent upon the designer to work closely with the City's Traffic Engineer on the detailed design of a roundabout.

Roundabout installation, whether contemplated by the development community or by City staff, shall be coordinated with the City's Traffic Engineer. The City's Traffic Engineer shall give approval to the roundabout concept being proposed for a given intersection. Once approval is given, the design of the roundabout shall be in accordance with design standards set forth in the City's Standard Specifications or as directed by the City's Traffic Engineer to accommodate non-standard situations.

In newly developing areas, the developer shall be responsible to install roundabouts at Collector/Collector intersections. Roundabouts installed at higher classified intersections will be the responsibility of the developer as conditions of approval may warrant. In some cases, the City of Modesto may be responsible for installation via proceeds from a Community Facilities District.

IX. Roundabout Installation at Retrofit Locations

There will be occasions when existing intersections in the City are scheduled to have new stop signs or traffic signals added to them, due to the need to assign right of way for increased safety purposes. Similarly, existing controlled intersections may be destined for an upgrade in controls (i.e., from a 2-way stop to a 4-way stop, or from a 4-way stop to a traffic signal). Thirdly, there may be occasions where an existing controlled intersection may warrant replacement with a roundabout (i.e., replace a 4-way stop with a roundabout). Lastly, an existing intersection may be destined for a roundabout for either traffic calming or beautification purposes.

In such cases as these, the installation of roundabouts may be considered as an alternative to the traditional forms of traffic control. These are considered "retrofit" situations and special consideration of roundabout installation is required.

If a roundabout is proposed in a retrofit situation, the design and installation must be such that all modes of vehicles using that particular intersection are accommodated, and the "modern roundabout" concept and operational characteristics are preserved. Generally speaking, roundabouts in retrofit situations would not be applicable to anything less than a minor collector/minor collector intersection (i.e., 60' of right of way on each leg of the intersection). Even then, additional right of way may be required to gain proper deflection angles and tapers on all approaches. Each retrofit situation shall be analyzed on a case-by-case basis, and the final design of any proposed roundabouts at a retrofit location shall be approved by the Engineering and Transportation Director.

If it is decided that a roundabout will be deployed in a retrofit situation, and right of way is needed to install a properly designed roundabout, the City shall be responsible to acquire the right of way. If the situation is such that development has not occurred on one or more corners of the target intersection, then the property owner or developer of those non-developed parcels is responsible to dedicate the necessary right of way for proper installation of the roundabout.

X. Operation and Maintenance

Roundabouts generally will become an asset of the City once public improvements are accepted as complete by the City Council. Exceptions would be those roundabouts that are constructed within a private gated community, or on any other non-public thoroughfare. The City of Modesto will assume responsibility for operation and maintenance of those roundabouts that are within the public right of way. Maintenance of landscaping associated with a City-owned roundabout may be the City's responsibility, or may be included in a Capital Facilities District, and therefore, the CFD's responsibility.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-433

RESOLUTION APPROVING THE 2002-2003 LEGISLATIVE PLATFORM

WHEREAS, on August 14, 2001, the Modesto City Council adopted Resolution 2001-86 approving the 2001 Legislative Platform, and

WHEREAS, the City Council annually adopts a Legislative Platform to provide a more proactive approach for influencing policy and other governmental entities, and

WHEREAS, approval of the platform allows the City's position on bills to be expressed without the need for Council action on individual legislative measures, and

WHEREAS, Council has instructed staff to divide the 2002-2003 Legislative Platform into appropriate sections for consideration by Council Committees, and

WHEREAS, all of the Council Committees with authority over components of the Legislative Platform have reviewed said components and made recommendations to the City Council for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2002-2003 Legislative Platform, a copy of which is attached hereto as **Exhibit "A"** and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

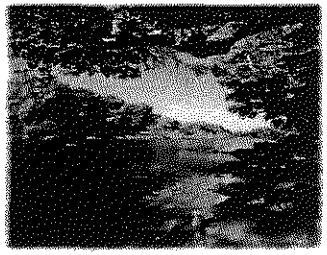
AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, Mayor Sabatino
NOES:	Councilmembers:	Conrad, O'Bryant
ABSENT:	Councilmembers:	None

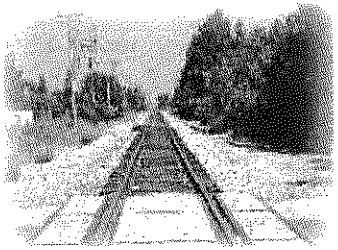
ATTEST: _____
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY: _____
MICHAEL D. MILICH, City Attorney

Exhibit "A"





City of Modesto
Legislative Platform

Modesto: A healthy, safe, attractive, economically vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engaged in the practice of citizenship with governance based on the principle of stewardship.

General Goals

The Modesto City Council and employees are committed to our Vision of:

> *Modesto: A healthy, safe, attractive, economically vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engaged in the practice of citizenship with governance based on the principle of stewardship.*

The City's Legislative Platform reflects the City's Vision and Council's goals, as outlined in the *Strategic Plan.*

In 2002, the City Council will, as a top priority, support legislation that facilitates and encourages attractive economic development, including infrastructure funding. The Council will support measures that retain local control over land use and annexation decisions and oppose measures that limit the annexation and growth potential of the City.

At the same time, Council will continue to support legislation that brings health and safety funding to the City. The Council endorses the continuance of technology and other funding for public safety. Council also supports local authority to determine which ambulance companies operate in our jurisdiction.

As in past years, the Council will continue to oppose measures imposed by the state or federal government that serve as unfunded mandates or which threaten local control. Council will also support measures that bring increased federal and state funding to the City for projects that support the City's Vision and *Strategic Plan.*

This platform was prepared by the following City Council Committees: Community Development & Housing, Economic Development & Intergovernmental Relations, Financial Policy, Human Services, Public Safety, Transportation Policy, and Utility Service & Franchises. It forms the cornerstone of Council's policy direction and provides a proactive approach to influencing policy and other governmental entities.

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Preamble

Whereas, the City of Modesto's legislative agenda is to promote the general welfare for citizens of California and specifically improve the quality of life for residents of Modesto, it shall be the policy of the Modesto City Council to: Support legislation that protects individual rights and to oppose legislation that infringes, denies, or restricts individual rights established in the Constitution of the United States and its amendments and the Constitution of the State of California.

City of Modesto

2002-2003 Legislative Platform

1. Housing and Neighborhoods	
City's Strategic Plan Element	**Legislative Issue**
V.A.3. Create housing opportunities and choices for a range of household types, family sizes and incomes. H.II.C.1. Increase opportunities for home ownership.	**Issue: 1.1.** Community Development Block Grant (CDBG) program funding, Federal Low Income Housing Tax program funding, and HOME Investment Partnership program funding target the affordable housing production needs of the local community, which would be difficult to address without the continued support of focused Federal housing program dollars. Loss of these program funds would eliminate or reduce qualified activities and/or areas qualifying for assistance.
	Action: 1.1. Support continued funding of the CDBG program as provided by the U.S. Department of Housing and Urban Development. Support continued funding of the Federal Low Income Housing Tax program. Support continued funding of the HOME Investment Partnership program. Oppose changes to, or defunding of, the CDBG program, Low Income Housing Tax program, or HOME program.
H.IV.A.6. Resolve issues and identify a site for a Day Center for Homeless individuals.	**Issue: 1.2.** As pressures increase on local housing supply and costs, the issue of potential homelessness should be addressed proactively rather than reactively, before significant problems arise locally.
	Action: 1.2 Support continued funding for programs such as the Emergency Shelter Grant fund programs and McKinney Homeless Act fund program to address the problem of homelessness.

1. Housing and Neighborhoods	
City's Strategic Plan Element	**Legislative Issue**
V.A.2. Promote compact building design. V.A.3. Create housing opportunities and choices for a range of household types, family sizes and incomes.	**Issue: 1.3.** Affordable housing production for low-income persons is often made more difficult as a result of political interest groups who advance a Not-In-My-Backyard (NIMBY) philosophy.
	Action 1.3. Support development of state programs that would fund tax incentives to neighboring property owners in order to encourage neighborhood development of affordable housing. Support funding to provide incentives to residential developers who elect to include a fixed percentage of affordable housing within each subdivision development permit.
IX.D. Promote high density housing in the downtown core.	**Issue: 1.4.** Bringing high density housing back downtown will diversify housing stock available within the City, will not contribute to urban sprawl and degradation of agricultural lands, and will stimulate the continued revitalization of the downtown area by creating a mixed-use environment with both peak and off-peak hours usage.
	Action: 1.4. Support development of state and federal funding sources to provide financing for high density housing projects in core downtown areas. Support legislation that would create incentives to developers who create high density housing in core downtown areas.
V.A.3. Create housing opportunities and choices for a range of household types, family sizes and incomes. V.A.3.b. Increase multi-family residential and affordable housing inventory.	**Issue: 1.5.** As the price of housing increases, fewer residents can afford to buy houses and the inventory of available multi-family housing diminishes. An adequate housing inventory to meet the City's varied and diverse housing needs is critical.
	Action: 1.5. Support development of state and federal funding sources to provide incentives to encourage construction of multi-family housing.

2. Land Use and Planning	
City's Strategic Plan Element	**Legislative Issue**
V.A.6. Preserve open space, farmland, natural beauty, historic buildings, and critical environmental areas. V.A.7. Reinvest in and strengthen existing communities and achieve more balanced regional development.	**Issue: 2.1** Sustaining California's economy and environment in a way that ensures quality-of-life for all residents requires innovative thinking and a balanced, integrated, and inclusive approach. A statewide Growth Management Policy should be considered.
	Action: 2.1 Encourage the State Legislature to adopt a statewide policy for growth management.
I.B.1.b. Form regional partnerships for water and wastewater development. I.B.1.b.(1) Assemble water and wastewater Task Forces with area agencies and seek funding/buy-in from governing bodies.	**Issue: 2.2.** Unrestrained and/or inadequately planned-for urban growth will stretch current water resources to the limit in the not-too-distant future. Finite water resources will soon play a much larger role in land use planning. It is imperative that local government entities and regional government entities work together to ensure we will have adequate water resources for our future.
	Action: 2.2. Support federal and state funding targeted towards regional and inter-regional water resource planning efforts and related land use planning.
III.A.2. Incorporate Smart Growth principles as part of transportation planning.	**Issue: 2.3.** New demographic and economic realities pose challenges and opportunities for more efficiently linked land use and transportation strategies. When planned in concert with other regional strategies, transportation infrastructure can be used to channel growth in a more efficient and environmentally sensitive manner.
	Action: 2.4. Support a statewide study to strengthen the linkages between regional transportation planning and land use planning that seeks recommendations from local governments.
V.B.1. Achieve an equitable jobs-housing balance and avoid fiscal strains of leapfrog development. X.A.2.c.(2). Attract new industries that are "commuter employers".	**Issue: 2.5.** The Central Valley has an imbalance in the ratio of jobs available compared with increasing residential growth. This jobs-housing imbalance exerts pressure on both transportation infrastructure, as local residents must commute outside of the local area to find employment, and upon air quality.
	Action: 2.5. Support federal and state funding targeted towards correcting the imbalance in jobs available compared with residential growth locally and in the Central Valley.

2. Land Use and Planning	
City's Strategic Plan Element	**Legislative Issue**
III.B.2. Address transportation funding issues.	**Issue: 2.6.** Increasing demands for local residential housing production place a heavy burden on existing transportation infrastructure.
	Action: 2.6. Support development of state programs that would provide funding for construction of new transportation infrastructure and upgrades within communities experiencing explosive residential growth.
V.A.8. Make development decisions predictable, fair and cost-effective. VII.A. Seek external funding sources to improve revenue stream.	**Issue: 2.7.** Local governments often plan and approve land uses that compete with other jurisdictions (1) in order to increase tax revenues to meet growing demands for social and other municipal services, and (2) because of unreliable alternative sources of funding.
	Action: 2.7. Support changes in state legislation to provide local government with a stable revenue base in order to reduce the fiscalization of local land use policies.
VI.A.1. Develop an equitable distribution of revenues in a mutually beneficial binding agreement.	**Issue: 2.8.** Local jurisdictions are in the best position to judge appropriate land uses within their own spheres of influence (SOI). Development that occurs within a city's SOI prior to annexation, without approval from the city, often results in a conflict with the city's General Plan and/or zoning standards upon annexation. The development of commercial and/or industrial uses within a city's SOI can also result in the inadequate distribution sales tax revenues.
	Action: 2.8. Support legislation which would prohibit the issuance of building permits or land use approval in a city's sphere of influence without an agreement between the city and the county.
V.A.6. Preserve open space, farmland, natural beauty, historic buildings, and critical environmental areas. V.A.7. Reinvest in and strengthen existing communities and achieve more balanced regional development. V.A.7.a. Upgrade infrastructure and target infill areas for development.	**Issue: 2.9.** To preserve agriculture and reduce urban sprawl, residential growth should be directed to the incorporated areas within each county.
	Action: 2.9. Support legislation that would allow a city to control any increase in the intensity of land use within a city's general plan area. Support legislation that would grant LAFCO the jurisdiction over new development in unincorporated areas of county.

3. Finances	
City's Strategic Plan Element	**Legislative Issue**
VII.A.1. Proactively seek state and federal funding for local projects.	**Issue: 3.1.** Timely and accurate receipt of revenues and grants from the county, state and federal agencies protects the financial stability of and revenue projections for municipalities.
	Action: 3.1.a. Support efforts that would provide greater accountability on the part of counties, state and federal agencies for the distribution of funds to municipalities, including but not limited to fines and forfeitures. **Action: 3.1.b.** Support legislation to improve collection capabilities for cities and counties.
	Issue: 3.2. State law authorizes counties to charge property tax administration fees. These fees reduce revenues for cities.
	Action: 3.2. Support the repeal or reimbursement of property tax administration collection fees.
	Issue: 3.3. In the recession of the early 1990s, the state of California reduced property tax distributions to cities and counties. To make up for part of the shortfall, counties passed along costs to cities. Some counties, including Stanislaus County, charged cities booking fees for prisoners placed in county jail facilities. These additional fees were difficult for cities to afford. In addition, these fees are unfair, as residents of cities are charged for booking services, while residents of unincorporated areas are not.
	Action: 3.3. Support legislation to increase reimbursement and funding necessary for the management and booking of prisoners.
	Issue: 3.4. Local governments pay millions of dollars annually to support the Public Employees' Retirement System (PERS). This fund should not serve as a slush fund for state government and the policies which govern distribution should be determined by the agencies which pay into the fund, not by the state.
	Action: 3.4. Oppose legislation or actions by the Public Employees' Retirement System (PERS) Board which change PERS programs to benefit the state at the financial expense of local agencies.

3. Finances	
City's Strategic Plan Element	**Legislative Issue**
VII.A.2. Reevaluate sales tax agreement with County to increase revenue base.	**Issue: 3.5.** Local agency control over policy and resource decisions is vital so that citizens may have an active voice in local government and local agencies can serve as stewards of public resources.
	Action: 3.5.a. Oppose any further shift that would make local agencies more dependent on the state for financial stability and policy direction. **Action: 3.5.b.** Oppose the shift of any city taxes or fees to any other jurisdiction.
	Issue: 3.6. Unfunded mandates by the state and federal government add to local costs and can impact our ability to perform essential government services.
	Action: 3.6. Oppose state and federal programs [unfunded mandates] unless funding is provided to support these programs.
	Issue: 3.7. Local governments rely upon fees, taxes and other revenue sources for fiscal solvency.
	Action: 3.7. Oppose any change in tax allocations or limitations/restrictions on local control which would negatively effect local government, including potential loss of franchise fees due to Federal efforts to deregulate the utility industry.
	Issue: 3.8. Annexations and tax sharing agreements are matters of local interest and authority and are best addressed at the local level.
	Action: 3.8. Oppose any requirement that there be a mutual agreement for cities and counties for tax distribution for all annexation proposals.
~~VII.C.1. Consider bonded growth financing to provide funding up front when infrastructure is needed for growth.~~	~~Issue: 3.9. General Obligation Bonds are a valuable resource, which provide for up-front financing of public transportation and infrastructure needs.~~
	~~Action: 3.9. Support legislation that would allow for a voter-approved simple majority vote for General Obligation Bonds.~~

3. Finances	
City's Strategic Plan Element	**Legislative Issue**
	Issue: 3.10. Over the course of the past 25 years, voter initiatives and state and federal government programs and policies have limited the financial ability of local governments to provide city services. Sales tax has replaced property tax as the primary revenue source for most local agencies.
	Action: 3.10. Support comprehensive long-term reform efforts to return to local governments their historical discretionary use of local revenues. Such efforts would include amending or permanently ameliorating the impacts of ERAF, property tax shifts and unfunded mandates.

4. Fire and Emergency Response	
City's Strategic Plan Element	**Legislative Issue**
	Issue: 4.1. Many older essential building (police and fire stations, hospitals) in California may not survive serious earthquakes because they do not meet necessary construction standards. Local agencies do not have the funding needed to retrofit these buildings. Modesto Fire Station 1 is an example.
	Action: 4.1. Support legislation providing cities and counties with state funding for retrofitting essential buildings (e.g. hospitals, fire, and police) to current earthquake building standards.
H.III.A. Improve levels of emergency response. H.IV.A. Improve community access to health services.	**Issue: 4.2.** During the past 30 years cities have assumed a large role in delivering emergency medical services. In many cases citizens and cities could benefit from public/private partnerships or public delivery systems. However, in most cases counties have the authority and responsibility to determine how emergency medical services are provided and which ambulance companies operate in cities.
	Action: 4.2. Support legislation granting cities the right to determine which ambulance companies operate within their jurisdiction.

4. Fire and Emergency Response	
City's Strategic Plan Element	**Legislative Issue**
	Issue: 4.3. Funding enhancements and improvements to public safety systems is difficult for local providers because of the competing demands for the resources that are available. The Federal FIRE act and AB 1022 (Pacheco) are two fire/emergency service examples of pending legislation.
	Action: 4.3. Support legislation that will increase funding for public safety including public safety technology improvements.
H.II.K.1.a. Expand the use of Automatic Fire Sprinklers and other prevention technology.	**Issue: 4.4.** Design and construction standards for schools is a responsibility of the State. Many new schools are being built that do not have automatic fire sprinkler systems. Automatic fire sprinklers are an effective way to reduce fire losses and enhance the safety of students. SB 575 (O'Connell) is a current bill that would require sprinklers. This bill is identical to AB 2115 (Lempert, 2000) that was vetoed by the Governor last year.
	Action: 4.4. Support legislation that requires automatic fire sprinklers in all new schools.

5. Economic Development & Business Attraction	
City's Strategic Plan Element	**Legislative Issue**
VIII.A.3.a. Expand and enhance a workforce training and development program.	**Issue: 5.1.** An educated, literate and skilled workforce is an economic stimulant that fosters business attraction and economic development.
	Action: 5.1.a. Support funding by the California Department of Education for funding for public adult schools and for worker literacy programs at work sites. **Action: 5.1.b.** Support legislation to ensure and coordinate continued funding for programs providing training and job preparation.
I.A.1. Our infrastructure is modern, efficient, effective, attractive and cost competitive.	**Issue: 5.2.** Adequate public infrastructure is critical to successful business attraction.
	Action: 5.2. Support legislation that provides additional funds for infrastructure or which provides options for financing developer requirements.

5. Economic Development & Business Attraction	
City's Strategic Plan Element	**Legislative Issue**
	Issue: 5.3. The state gives a competitive advantage [self help] for state highway funds to jurisdictions which have a sales tax for transportation projects.
	Action: 5.3. Support legislation giving cities/counties which have adopted developer fees "Self Help" status.
I.A.2.a. Assure design, installation and maintenance of attractive infrastructure.	**Issue: 5.4.** Additional parking is needed to stimulate economic development in the City's Downtown Core area.
	Action: 5.4. Seek federal funding to assist with the construction of additional parking facilities in the Downtown.
V.B.1. Achieve an equitable jobs-housing balance and avoid fiscal strains of leapfrog development.	**Issue: 5.5.** The City of Modesto has a jobs-housing imbalance, providing more housing than jobs for our residents. In recent years, this imbalance has been aggravated by escalated Bay Area housing prices that have forced residents to the more affordable Central Valley housing market. The Inter-Regional Partnership was established to seek state funding and other avenues to address this issue.
	Action: 5.5.a. Support legislation to increase funding and local flexibility to design and develop economic development programs that would increase job opportunities. **Action: 5.5.b.** Support legislation to encourage business creation and expansion. **Action: 5.5.c.** Support legislation providing tax credit priority for job generating projects in areas with a jobs-housing imbalance. **Action: 5.5.d.** Support legislation that will create a "jobs-housing opportunity zone" eligible for infrastructure incentives and tax-exemption incentives.

5. Economic Develop & Business Attraction	
City's Strategic Plan Element	**Legislative Issue**
XII.A. Leverage private and public funds to enhance redevelopment. XII.A.5. Evaluate and explore expansion of the Redevelopment Area to include declining / underdeveloped portions of the City (i.e. Yosemite Corridor).	**Issue: 5.6.** Use of redevelopment funds outside of the project area are necessary in order to retain local authority over redevelopment expenditures for housing.
	Action: 5.6. Support legislation to continue receiving credit for redevelopment outside of the project area. The current law permits crediting two units outside the project as if they were a single unit inside the project area. The two for one credit is due to expire on January 1, 2002, at which time no credit will be given for redevelopment outside the project area.
	Issue: 5.7. Local communities such as the City of Modesto rely on the tax base generated by private development in order to fund provision of services for the community. Enterprise Zone designation is an economic development tool that provides regulatory, tax, and other incentives for private investment and employment.
	Action: 5.7. Support legislation designating an enterprise zone within the County of Stanislaus.
	Issue: 5.8. The California Infrastructure and Economic Development Bank promotes economic revitalization and job creation by issuing tax-exempt and taxable revenue bonds providing financing to public agencies for infrastructure projects (e.g., essential infrastructure for business park developments). Current application procedures are cumbersome and difficult; local communities must often hire a consultant just to get through the application process. In addition, the state legislature has proposed cutting funding to this program.
	Action: 5.8. Support legislation that would make the application process for CIEDB funds easier. Oppose legislation that would cut funding for the CIEDB program.

5. Economic Development & Business Attraction	
City's Strategic Plan Element	**Legislative Issue**
XII.A. Leverage private and public funds to enhance redevelopment.	**Issue: 5.9.** Redevelopment activities have proven to be a vital economic development tool in Modesto. Redevelopment Law currently requires redevelopment agencies to use not less than 20% of all tax revenue for low- and moderate-income housing. There have been recent discussions at the State level regarding increasing the affordable housing expenditure requirement to not less than 25% of all tax revenue. A mandatory increase in required deposits to the L&M Housing fund would decrease the amount of funding available for redevelopment purposes by a corresponding amount, thus slowing down the progress that Modesto is making in redevelopment. The L&M Housing Fund grows only when assessed value in the project area increases as the result of revitalization and public investment in infrastructure, and the attraction of new employers, land developers, business tenants, and retail development. In addition, the 20% set-aside is usually a much greater percentage of the "net" amount of tax increment available to an agency after pass-through of a portion of the tax increment to other taxing entities. The housing set-aside is 20% of the "gross" tax increment, but it can be a greater amount of the "net" tax increment after deducting the amount of tax increment shared with pass-through agencies. **Action: 5.9.** Oppose legislation that would amend Redevelopment Law to require any increase in the amount of tax revenue that must be set aside for low- and moderate-income housing.
XII.A. Leverage private and public funds to enhance redevelopment.	**Issue: 5.10.** California Redevelopment Law gives local communities the authority and financing tools to be able to attack problems of urban blight and decay. As such, legislation designed to place unnecessary and burdensome restrictions on local redevelopment efforts should be opposed; and legislation designed to give local redevelopment agencies flexibility and control over how best to utilize tax increment should be supported.
	Action: 5.10. Oppose additional or expanded mandates on redevelopment activities or local authority to allocate redevelopment dollars; Support legislation that provides local redevelopment agencies with flexibility and local control over tax increment allocation.

6. Employee Relations/Workers Compensation	
City's Strategic Plan Element	**Legislative Issue**
	Issue: 6.1. In order for the City to prudently plan for the future and remain fiscally healthy, local authority over employee benefit and compensation decisions is necessary.
	Action: 6.1. Oppose any measure that would grant employee benefits that would be more properly decided at the local bargaining table.
	Issue: 6.2. The City desires to maintain local control over all employee disputes.
	Action: 6.2. Oppose any efforts that would reduce local control over public employee disputes and impose regulations of an outside agency.
	Issue: 6.3. Current law provides extensive rights and protections to police officers in the areas of administrative investigations and discipline.
	Action: 6.3.a. Oppose efforts to make disciplinary proceedings for police officers similar to criminal proceedings, making it impossible to prove an administrative violation. **Action: 6.3.b.** Oppose any expansion to the California Public Safety Officers Procedural Bill of Rights or creation of new Federal "Police Officers Bill of Rights." Oppose extending these rights to firefighters or to other non-peace officers.
	Issue: 6.4. The City of Modesto does not participate in Social Security. The associated cost savings allows us to offer competitive salaries and attract well-qualified employees to our workforce.
	Action: 6.4. Oppose any form of mandatory Social Security Coverage for local government employees, who already enjoy superior retirement benefits.
	Issue: 6.5. Current law only requires local governments to pay for Medicare coverage for employees hired on or after April 1, 1986. The City does not pay coverage for any employee hired prior to this date. Our fiscal planning does not include the added costs of providing this benefit to non-covered employees.
	Action: 6.5. Oppose expansion of requirement for local governments to pay Medicare coverage for local employees beyond the current requirement of coverage for employees hired after April 1, 1986.

6. Employee Relations/Workers Compensation	
City's Strategic Plan Element	**Legislative Issue**
	Issue: 6.6. Workers compensation benefits can be cost prohibitive if not monitored, defined and appropriately managed.
	Action: 6.6.a. Support legislation that manages costs of workers compensation benefits for occupational injuries/illnesses.
	Action: 6.6.b. Oppose legislation that expands or extends any presumptions of occupational injury or illness.
	Issue: 6.7. The Fair Labor Standards Act was originally enacted as a protection for employees in the private sector. For public agencies, it does not take into consideration the nature of public accountability, the generous leave benefits, nor the disciplinary process for exempt employees (particularly supervisors and managers).
	Action: 6.7. Support Federal legislation to modify or eliminate FLSA requirements on public agencies.

7. General Government	
City's Strategic Plan Element	**Legislative Issue**
	Issue: 7.1. With limited funding for roadway maintenance, cities need to take measures to protect their right of way.
	Action: 7.1. Support legislation to protect the public right of way.
	Issue: 7.2. Consumers who purchase items through the Internet and via mail order are not charged local sales taxes on their purchases. This practice gives Internet and mail order companies a competitive advantage and, at the same time, restricts the amount of sales tax revenues for local jurisdictions.
	Action: 7.2. Support legislation that fairly assesses local sales taxes for all methods of transaction.
	Issue: 7.3. In today's litigious environment, it is critical for public agencies to limit their liability exposure.
	Action: 7.3. Support measures to reform California's tort system to curtail unreasonable liability exposure for public agencies and restore the ability of public agencies to obtain affordable insurance.

8. Transportation & Infrastructure	
City's Strategic Plan Element	**Legislative Issue**
VII.A.1. Proactively seek state and federal funding for local projects.	**Issue: 8.1.** The City of Modesto has hundreds of miles of underground water, sanitary sewer and storm drain pipelines that require maintenance and replacement. In addition, $20 million a year is needed to maintain the City roadways; approximately $5 million a year is budgeted. Federal and State money is needed to assist in maintaining the existing infrastructure and for its operation.
	Action: 8.1.a. Support legislation that enhances resources for local jurisdiction to maintain and operate their infrastructure. **Action: 8.1.b** Support legislation that provides that revenue collected from sales taxes on gasoline is used solely for the purpose of operating and maintaining the streets and highways network throughout the state.
	Issue: 8.2. Federal and State funding is allocated to the City, but can only be spent on specific streets with large volumes of traffic, and restricted corridors cannot be widened.
	Action: 8.2. Support legislation that provides increased local control over spending on streets and highways.
	Issue: 8.3. Contractors have the ability to file construction claims on a project due to additional work, time of days, profit loss, etc. Some claims are filed only to negotiate a settlement. If the City wins the claim, the contractor shall pay for legal fees defending the City.
	Action: 8.3. Support State legislation that would make contractors financially responsible for costs incurred by local agencies in response to defending frivolous construction claims.
	Issue: 8.4. When the City secures property in Stanislaus County, the County must approve of the acquisition, and if necessary allow the City the right to proceed with eminent domain.
	Action: 8.4. Support legislation amending Section 1810 of the Streets & Highway Code relating to acquisition of property outside boundaries in unincorporated areas, deleting the requirement that counties must consent to such acquisition, and thereby "leveling the playing field" for cities.
VII.A.1. Proactively seek state and federal funding for local projects.	**Issue: 8.5.** A new and expanded Bus Maintenance Facility is needed to replace the existing one, which is undersized and in very poor condition. Approximately half of the funds needed for the new facility have been earmarked in the federal budget. City staff is planning to begin construction in May 2002. However, construction cannot proceed unless the project is fully funded.
	Action: 8.5. Support measures to finance local transportation facilities including the balance for the Bus Maintenance facility.

8 Transportation and Infrastructure	
City's Strategic Plan Element	**Legislative Issue**
	Issue: 8.6. The Modesto/City County Airport is updating the Airport Master Plan to consider the extension of runway RW10L/28R. Wilson and Orville Wright Elementary schools are approximately one-half mile from the airport runways, and Wilson Elementary will be closer if the runway is extended.
	Action: 8.6. Oppose legislation that prohibits airport expansion when the existing facility is within close proximity (e.g., two miles) of a proposed or established public school site.
	Issue: 8.7. When property is listed for sale, property owners should be required to include a disclosure on the property deed, when a parcel is within Modesto City/County Airport's area of influence. The area of influence should not be smaller than suggested in the Caltrans Aeronautics' Airport Land Use Planning Handbook.
	Action: 8.7. Support legislation that requires property owners to provide a Notice of Public Disclosure of the proximity of an airport if the property is next to or near an airport. In addition, support Caltrans' Airport Land Use Planning Handbook's latest edition to prevent incompatible property development when the property lies within an airport's Runway Protection Zones, Inter Safety Zones, Inter Turning Zones, Outer Safety Zones, Sideline Safety Zones, and/or Traffic Pattern Zones.
	Issue: 8.8. Aviation fuel is taxed. These taxes should be used at the airport for airport services and aviation.
	Action: 8.8. Oppose legislation that would allow taxes collected from aviation fuel sales to be used for any other purpose than airport and aviation.
VII.A.1. Proactively seek state and federal funding for local projects.	**Issue: 8.9.** City growth requires new transportation corridors and utility extensions. An expressway/beltway will provide efficient travel around the perimeter of the City. In addition, existing improvements, such as water, sanitary sewer, storm drains, streets, public transit and lighting, need to be operated and maintained. Improvements to these facilities are needed to continue their required functions.
	Action: 8.9. Support legislation that provides additional funding to improve transportation, public transit and the existing infrastructure in the City and region.
III.B.2. Address transportation funding issues.	**Issue: 8.10.** Adequate funds are necessary for the proper development of Modesto City-County Airport. Legislation at both the federal and state level should promote the maximum use of funds available in the aviation trust fund and state funds derived from aviation sources and services.
	Action: 8.10. Support a comprehensive national air transportation strategy that includes adequate, predictable and long-term funding necessary to sustain the planning and financing of airport development and provide adequate aviation facilities for an orderly and safe flow of air traffic.

8. Transportation & Infrastructure	
City's Strategic Plan Element	**Legislative Issue**
III.B.2. Address transportation funding issues. VII.A.1. Proactively seek state and federal funding for local projects.	**Issue: 8.11.** The City competes with other jurisdictions for funding that provides traffic signalization, medians, public transit and designated turn lanes.
	Action: 8.11. Support legislation to increase transportation funding sources and financial programs to ensure local government receives a reasonable share of competitive funds for congestion relief and transportation systems.
	Issue: 8.12. Modesto City-County Airport has a low activity tower that is staffed by professional air traffic controllers through the Federal Aviation Administration's Contract Control Tower Program.
	Action: 8.12. Support the Federal Aviation Administration's contract control tower program in order to insure that the safety of the airport, its users and local community is maximized.
III.B.3.a. Provide connections from conveniently located park and ride lots to ACE train. VII.A.1. Proactively seek state and federal funding for local projects.	**Issue: 8.13.** Currently a proposal is being reviewed to bring the ACE train to Modesto. The state budget includes $8 million specifically for an extension of ACE to Stanislaus County. The City of Modesto currently provides shuttle bus service to the Altamont Commuter Express (ACE) train Station in Lathrop/Manteca.
	Action: 8.13. Support legislation and funding to extend the Altamont Commuter Express Train to Modesto.
III.B.6. Reduce transportation impacts on air quality	**Issue: 8.14.** The California Air Quality Board has adopted regulations restricting and controlling public transit operations with increasingly rigid air quality standards. These regulations can and will impact the operational costs of providing public transit service.
	Action: 8.14. Support legislation that provides additional funding to assist public transit systems in meeting air quality standards. Oppose legislation that will mandate any single operational practice or use of fuel. Support legislation that allows city transit agencies flexibility in meeting air quality standards.
VII.A.1. Proactively seek state and federal funding for local projects.	**Issue: 8.15.** The most difficult to predict operational cost for public transit operations is the cost of fuel.
	Action: 8.15. Support legislation to provide supplemental funding to transit agencies to cover unexpected increases in fuel prices.

8. Transportation & Infrastructure	
City's Strategic Plan Element	**Legislative Issue**
VII.A.1. Proactively seek state and federal funding for local projects.	**Issue: 8.16.** The City of Modesto Transit Services is dependent upon federal and state funds for capital and operating expenses. Expansion of service is dependent on federal and state funds.
	Action: 8.16. Support legislation and funding that protects existing transit revenues from both state and federal budget cuts. Support appropriations of addition federal and state funds to public transit systems.
VII.A.1. Proactively seek state and federal funding for local projects.	**Issue: 8.17.** Protection of existing and future water sources.
	Action: 8.17. Support legislation, which enhances resources for local jurisdiction to maintain and operate their infrastructure.
	Issue: 8.18. Local governing bodies are in the best position to understand local circumstances. Decisions regarding land use should be based upon local criteria such as public safety, aesthetics, and economic and community development.
	Action: 8.18. Support legislation that provides increased local control over spending on streets and highways.
	Issue: 8.19. Every effort should be made to discourage frivolous lawsuits against municipalities.
	Action: 8.19. Support State legislation, which would make contractors financially responsible for costs incurred by local agencies in response to defending frivolous construction claims.
	Issue: 8.20. Section 1810 of the Streets & Highway Code provides that a City may acquire, or purchase or eminent domain, property outside its boundaries, if it is necessary to connect or widen the existing streets of the city and if the county consents to the acquisition.
	Action: 8.20. Support legislation amending Section 1810 of the Streets & Highway Code deleting the requirement that counties must consent to such acquisition and thereby "leveling the playing field" for cities which can be required to accept such streets.

9. Environment	
City's Strategic Plan Element	**Legislative Issue**
	Issue: 9.1. Air quality credits impact a region's ability to attract and retain business.
	Action: 9.1. Oppose air quality legislation for the San Joaquin Basin which gives a competitive edge or any particular advantage to any individual county in regards to offset credits.
I.C.1.b. Protect water supply from storm drainage contamination.	**Issue: 9.2.** Stormwater pollution prevention efforts such as best management practices and maximum extent practicable are effective water quality protective measures.
	Action: 9.2. Support amendments to the 1987 Clean Water Act that would clarify that numerical effluent standards do not apply to NPDES Stormwater Discharge Permits and that "Maximum Extent Practicable" (MEP) is the standard for stormwater discharges.
	Issue: 9.3. Remediation of groundwater contamination should be the financial responsibility of the entity responsible for the upstream-contaminated discharge.
	Action: 9.3. Support legislation, which amends the Porter Cologne Water Quality Act in such a way that the local governments would not be held accountable to assess and remediate water contamination (such as PCE in the case of Turlock) by the sole virtue of being the discharger of water contaminated by a second party.
	Issue: 9.4. Environmental fees should be based on the service levels provided by the revenue-seeking agency.
	Action: 9.4. Support legislation, which repeals Fish and Game filing fees, unless these fees are clearly related to the level of service provided by the Department of Fish and Game in promptly reviewing environmental documents.
	Issue: 9.5. Current CEQA rules and regulations are sufficient for adequate protection of the environment.
	Action: 9.5. Support legislation, which minimizes, or streamlines, project level environmental review (particularly cumulative effects and growth inducing effects), if key issues have already been adequately addressed at the "Master EIR" or "Program EIR level.

9. Environment	
City's Strategic Plan Element	**Legislative Issue**
II.B.2. Establish a city/county hazardous waste team to coordinate the use and disposal of hazardous materials, particularly in the case of emergencies.	**Issue: 9.6.** State and local governments must have an influence on the designation of hazardous material sites since the local level is most impacted.
	Action: 9.6. Support legislation such as HR 3000 to provide a role for state and local government for designation of hazardous waste sites.

10. Solid Waste	
City's Strategic Plan Element	**Legislative Issue**
II.C. Maximize recycling and recovery participation through education and program assessment and development.	**Issue: 10.1.** The Waste-to-Energy Facility generates electricity by diverting garbage that otherwise would be disposed of in the landfill and converting it into power.
	Action: 10.1. Oppose legislation, which would limit or reduce recycling credits for Waste-to-Energy projects in California.
II.C.3. Develop and implement new programs which will increase resource recovery and diversion.	**Issue: 10.2.** To assist in meeting diversion goals, local recyclers must have end markets for their products.
	Action: 10.2. Support legislation, which would enhance or provide market incentives for recycling materials (e.g., plastics, compost).

10. Solid Waste	
City's Strategic Plan Element	**Legislative Issue**
II.D. Develop market for co-compost materials to allow for all biosolids to be utilized in the co-compost product.	**Issue: 10.3.** The recycling and composting of greenwaste and bio-solids increases waste diversion from landfills, and its reuse provides an excellent source of viable material for land and beautification use.
	Action: 10.3. Oppose legislation limiting reuse of greenwaste, bio-solids, or compost material.
	Issue: 10.4. In order to continue to provide quality service and to keep costs as low as possible for the rate payers, local jurisdictions must have flow control authority.
	Action: 10.4. Oppose legislation that would limit the local jurisdiction's authority by the County to regulate or direct municipal solid waste.
II.D.1. Continue use of green waste materials in co-composting operation to dispose of biosolids and expand markets for the co-compost.	**Issue: 10.5.** The land application of bio-solids and bio-solids compost has been demonstrated to be safe when done in accordance with State and Federal regulations.
	Action: 10.5. Support legislation which would prohibit counties from imposing outright bans or overly restrictive ordinance that would impose de-facto bans on the land application of bio-solids or bio-solids composts.
II.C.2. In accordance with AB939 regulations, prepare a resource recovery assessment that includes: • reevaluation of recycling program • green waste strategies • composting	**Issue: 10.6.** Waste diversion, through recycling and source reduction, should be monitored for consistency according to each jurisdiction's existing programs and demographics.
	Action: 10.6. Oppose legislation, which would increase diversion mandates above 50%.

10. Solid Waste	
City's Strategic Plan Element	**Legislative Issue**
	Issue: 10.7. Hazardous electronic discards are an increasing problem, with over a million computers becoming obsolete in California each year. Cathode ray tubes from computers, televisions, camcorders, and other items contain lead and other materials that can pose hazards to human health and the environment and are prohibited from disposal in Class III landfills.
	Action: 10.7 Support legislation requiring computer and other hazardous electronics producers to operate or fund comprehensive programs whereby products are sustainably designed and labeled, as well as legislation that creates a convenient collection infrastructure that will result in a high rate of recovery and maximizes environmentally sound reuse and recycling of such hazardous electronics products.

11. Water Supply/Management	
City's Strategic Plan Element	**Legislative Issue**
	Issue: 11.1. The City's ability to protect its groundwater reserves is impacted by the ability to secure rights to surface water and groundwater reserves.
	Action: 11.1. Support measures, which increase water supply or improve water quality within the city/region.
	Issue: 11.2. Conservation of resources is a responsibility of all, including local government.
	Action: 11.2. Support legislation that will encourage the use of drought tolerant plant material and water conservation techniques.
	Issue: 11.3. Support water management strategies that are financially as well as scientifically responsible.
	Action: 11.3. Oppose mandatory groundwater management unless it is reasonable and the management reflects the representative views of all agencies which will be regulated, particularly local government.

City's Strategic Plan Element	Legislative Issue
	Issue: 11.4. Water providers must comply with drinking water standards established at both the State and Federal level.
	Action: 11.4. Support a fiscally and environmentally responsible reauthorization of the Safe Drinking Water Act.
VII.A.1. Proactively seek state and federal funding for local projects.	**Issue: 11.5.** Support water management strategies that are financially as well as scientifically responsible.
	Action: 11.5. Support measures that will fund water management improvements.

12. Communication/Technology

City's Strategic Plan Element	Legislative Issue
IV.B.1. Seek state, federal and private grant funding for technology.	**Issue: 12.1.** Cities must have the authority to zone and plan for the deployment of telecommunications infrastructure and to maintain and manage the public rights-of-way and receive compensation for its use.
	Action: 12.1. Support State and Federal legislation to reaffirm home rule in oversight and revaluation of telecommunication entities, using public right-of-ways and affecting conditions addressed by local planning and land use policies.
IV.B.2. Identify potential public/private technology partnerships.	**Issue: 12.2.** Technology fuels economic development. That said, it is unlikely that local funding alone will accomplish the level of investment necessary to recognize all the benefits of the "information superhighway."
	Action: 12.2. Support legislation to fund telecommunication planning and implementation.
IV.B.1. Seek state, federal and private grant funding for technology.	**Issue: 12.3.** Geographic Information Systems (GIS) is a computerized mapping system that allows for the computerized inventory of infrastructure and other city assets. It provides an easy means for graphically presenting information, enhances the planning process, and promotes the sharing of information between agencies.
IV.B.2. Identify potential public/private technology partnerships.	**Action: 12.3.** Support legislation to fund GIS to better manage regional resources, respond to emergencies and plan for growth.

13. Energy	
City's Strategic Plan Element	**Legislative Issue**
VII.A.1. Proactively seek state and federal funding for local projects.	**Issue: 13.1.** Numerous bills have been introduced during the 2001 legislative session to deal with the energy situation facing California consumers. Earlier this year, the League of California Cities adopted policy positions related to this issue. These policy statements will focus the League's efforts as all of these bills start moving through the process. The Modesto City Council, at their meeting of April 10, 2001, agreed to adopt these policy statements as part of their legislative platform when it is brought forward. The following Actions summarize the aforementioned policy statements.
	Action: 13.1.a. Support conservation recommendations proposed by the League and California State Association of Counties.
	Action: 13.1.b. Support legislation that provides direct funding for conservation and demand reduction projects in city facilities; seek grant or loan funding for essential services (i.e., police/fire, water/wastewater) to purchase new or replace existing back-up generators that are more energy efficient and less polluting.
	Action: 13.1.c. Support incentives that stimulate development and siting of more energy generation facilities.
	Action: 13.1.d. Support legislation that increases the threshold at which a city is the lead permitting agency for an energy facility from 50 to 100 MW (or above) and oppose legislation which decreases the threshold.
	Action: 13.1.e. Support not getting directly involved with proposals to streamline the facility approval process except to suggest revisions which reflect technical comments from city experts on local government review and comment related provisions.
	Action: 13.1.f. Support actions to exempt cities with municipal utilities completely from the Energy Commission review process for all power plant proposed within their jurisdiction, regardless of the size of the facility.
	Action: 13.1.g. Support not getting directly involved in legislative discussions and take no position on legislation to relax, suspend, or eliminate environmental regulations except to ensure that cities do not bear the burden of meeting the shortfall in environmental protection.
	Action: 13.1.h. Support all bills that enhance the public power options available to cities and counties.
	Action: 13.1.i. Support attempts to ensure that resolution of the energy shortage seeks equity for ratepayer classes and communities.
	Action: 13.1.j. Ensure that police and fire facilities are appropriately protected either legislatively or administratively if the range of exempted facilities is expanded; seek legislation or administrative resolution to giving advance notification to those businesses that use hazardous materials which could pose a danger if the plant is not shut down properly.
	Action: 13.1.k. Support efforts to determine whether market abuse occurred and asking that appropriate action be taken to remedy the problem if illegal activity did occur.

14. Public Safety	
City's Strategic Plan Element	**Legislative Issue**
	Issue: 14.1. The Modesto Police Department, like other municipal law enforcement agencies, spends an inordinate amount of time enforcing federal and state drug laws. In many drug cases, assets of responsibles can be seized and after due process can be sold, with the proceeds going to local criminal justice agencies involved in the responsibles' arrests and prosecutions.
	Action: 14.1. Support measures which would provide a greater share of seized assets to localities.
	Issue: 14.2. Driving under the influence of alcohol/drugs constitutes a dangerous crime to the Modesto citizenry and DUI laws are strictly enforced by the Modesto Police Department. Each and every DUI arrest by the Modesto Police Department is a significant drain on public safety resources for the City.
	Action: 14.2. Support efforts which allow local agencies to recover from the guilty party in accidents involving driving under the influence of drugs and/or alcohol.
	Issue: 14.3. Fines and forfeitures are a traditional source of revenue for local law enforcement. These revenues have been eroded for municipal government through the passage of State law that allow numerous state or county charges, penalties or assessments to be levied against those fines and forfeitures.
	Action: 14.3.a. Oppose attempts to transfer more fine and forfeiture funds to counties.
	Action: 14.3.b. Oppose legislation which allows state or county charges, penalties or assessments to be levied in lieu of or to replace actual fines and forfeitures.
H.I.B.6. Assess Drug Enforcement Efforts and minimize duplication of efforts (SDEA, MNET, etc.).	**Issue: 14.4.** Illegal drug trafficking, manufacture, sales and use are crimes in themselves and are also linked to other crimes that consume vast amounts of law enforcement resources. Prevention of illegal drug use is the most cost effective and efficient method to reduce drug and drug-related crime.
	Action: 14.4. Support legislation encouraging, establishing, or enhancing drug use prevention programs and policies.

14. Public Safety	
City's Strategic Plan Element	**Legislative Issue**
	Issue: 14.5. Graffiti is a blight to Modesto's community appearance; it is a crime of vandalism; and, it may incite gang action and/or retaliation.
	Action: 14.5. Support additional legislation to fight graffiti which would: 1) Expand parental responsibility. 2) Prohibit the issuance of a driver's license to anyone under the age of 18 who has been convicted of graffiti offenses. 3) Require publication of names to anyone arrested for graffiti offenses.
	Issue: 14.6. The City of Modesto currently faces the cost of retrofitting the old Police Building into a patrol operations facility. The costs for this remodel/retrofit are high, in part due to the state requirements to bring the building to current earthquake building standards.
	Action: 14.6. Support legislation providing cities and counties with State funding for retrofitting essential buildings (for examples: hospitals, fire and police buildings) to current earthquake standards.
VII.A.1. Proactively seek state and federal funding for local projects.	**Issue: 14.7.** City of Modesto law enforcement costs continue to escalate due to the costs of necessary police personnel, the need for more sophisticated technological police equipment, the need for effective juvenile crime prevention programs and the existence of clandestine methamphetamine labs in the area.
	Action: 14.7.a. Support Federal legislation to continue funding the Omnibus Crime Bill for the benefit of Modesto communities (for law enforcement officers and equipment).
	Action: 14.7.b. Support legislation that will increase funding for public safety technology improvement.
	Action: 14.7.c. Support legislation and increased funding for juvenile crime prevention and abatement programs.
	Action: 14.7.d. Support legislation that will reimburse agencies responsible for identifying, tagging and removing waste from illegal drug labs.
	Action: 14.7.e Support legislation that would make Bureau of Narcotics Enforcement Task Force labs available to our jurisdiction for evidence process and drug lab clean-up.

	14. Public Safety
City's Strategic Plan Element	Legislative Issue
	Action: 14.7.f Support legislation that would mandate revenue reporting of the State's 911 Fund, mandate revenue use for 911 systems only, and mandate distribution of all or a finite percentage of the funds to local governmental jurisdictions or communications centers.
	Action: 14.8.g Support State legislation that protects current City revenues: SLESF (State Law Enforcement Services Fund CLEEP (California Law Enforcement Equipment Program) Payment of Booking Fees Vehicle License Fees Property Taxes Sales Taxes

15. Parks and Open Space	
City's Strategic Plan Element	**Legislative Issue**
I.A.2.a (10) Preserve existing park infrastructure, such as tennis courts, buildings, swimming pools, etc.	Issue 15.1. Many of the City's older parks and facilities are in need of renovation, and some infrastructure has been removed due to its unsafe condition. In addition, many facilities in need of rehabilitation contain asbestos and other toxic materials.
	Action 15.1 Support/encourage legislation that includes funding for general facility rehabilitation and asbestos/toxic material abatement.
	Issue 15.2 The City of Modesto is aggressively trying to meet the regulations on accessibility to its existing facilities. The City is now relying on the use of CDBG funding, which could be better redirected into programs and services.
	Action 15.2 Encourage inclusion to any park related legislation, per capita funds to renovate public recreation facilities to conform to Federal Americans with Disabilities Act (ADA) regulations.
III.B.5.c Develop the Virginia Corridor as a priority Class I Bikeway	Issue: 15.3 The City of Modesto is currently finalizing the process of securing an abandoned railroad corridor, utilizing the Rails to Trails Program. The City's plan for this 4.2 mile right-of-way is to develop a linear park and a Class I bikeway/pedestrian trail.
	Action: 15.3 Seek legislation that will include funding for this project as a line item. Encourage inclusion of non-motorized projects in air quality and traffic congestion mitigation legislation.
IX.B.4. Physically and visually link downtown amenities to the Tuolumne River Regional Park Gateway parcel. C.I.A.4. Seek funding for, and implement the Tuolumne River Regional Park Master Plan	Issue: 15.4 The Tuolumne River Regional Park Joint Powers Authority has completed the Master Plan and Environmental Impact Report for the 700+ acre park. The next step is to develop specific plans and related environmental assessments for each park segment. Recently, state funding originally identified for the Tuolumne River Parkway was re-allocated to other projects. In addition, Proposition 40 contains funding for river parkways that has yet to be specifically allocated.
	Action: 15.4 Seek support from the City's lobbyists and legislators to specifically identify the Tuolumne River Regional Park as a line item in Proposition 40 as well as other legislation providing funding for riparian habitat restoration and river parkways.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-434

A RESOLUTION APPROVING A TWO-YEAR RENEWAL AGREEMENT WITH CALIFORNIA FEDERAL BANK, EXPIRING JUNE 29, 2004, FOR DEPOSIT AND CHECK DISBURSEMENT SERVICES USED BY THE HOUSING REHABILITATION REVOLVING LOAN FUND AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, in 1994, the City explored the possibility of depositing funds in a local bank and using the bank's disbursement services for Housing Maintenance Program loans, and

WHEREAS, Glendale Federal was chosen as the service provider, and

WHEREAS, City entered into a two-year agreement with Glendale Federal, which has been renewed every two years, and

WHEREAS, in 1999, Glendale Federal merged with California Federal Bank (Cal Fed), and

WHEREAS, since that time the service provider has been the Cal Fed branch located on 12th and J Streets, and

WHEREAS, staff is recommending that the City enter into another two-year agreement with Cal Fed to provide disbursement services for Housing Maintenance Program loans, and

WHEREAS, the Citizens Housing and Community Development Committee met on August 23, 2002, and supported the recommendation to enter into another two-year agreement with Cal Fed to provide disbursement services for Housing Maintenance Program loans,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a two-year renewal agreement with California Federal Bank, expiring June 29, 2004, for deposit and check disbursement services used by the housing rehabilitation Revolving Loan Fund.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-435

A RESOLUTION A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH DMJM+HARRIS FOR CONSTRUCTION MANAGEMENT SERVICES FOR CONSTRUCTION OF THE KANSAS-NEEDHAM OVERHEAD

WHEREAS, a construction contract was awarded to Agee Construction Corporation on April 23, 2002 for construction of the Kansas-Needham Overhead Project to construct an overhead crossing of 9th Street and the Union Pacific Railroad, from the intersection of College Avenue/10th Street/and Needham Avenue to the intersection of Franklin Street/Beech Street, and

WHEREAS, the Kansas-Needham Overhead project is a large specialized project and that requires augmentation of the City's capacity to provide construction management, and

WHEREAS, the selection for construction management services followed the City's selection procedures for professional consultants, and the Selection Committee recommended that negotiations begin with DMJM+HARRIS, and

WHEREAS the State of California Department of Transportation (CALTRANS) reviewed the proposed contract and authorized the City to proceed, and

WHEREAS, the fee for construction management services has been negotiated with DMJM+HARRIS for an amount not to exceed $998,046,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and DMJM+HARRIS for construction management services during construction of the Kansas-Needham Overhead Project is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the City Manager or his authorized designee is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-436

A RESOLUTION ACCEPTING THE ROSELLE AVENUE MEDIAN CLOSURE AT FLUSHING MEADOWS DRIVE IN THE CHARLESTON PLACE SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF SECURITY

WHEREAS, CHARLESTON PLACE (DEVELOPER), a California Limited Partnership, is the Developer of the Charleston Place Subdivision, and

WHEREAS, DEVELOPER created and maintained a temporary access to the Subdivision from Roselle Avenue for the purpose of improved access to model homes, and

WHEREAS, DEVELOPER, posted a Letter of Credit to secure faithful performance of its obligation to close the temporary access in the amount of $18,400.00, and

WHEREAS, DEVELOPER has delivered an Assignment of a Certificate of Deposit in the amount of $2,300.00 to guarantee improvements associated with the median closure, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that the median has been closed and all work has been completed, to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements associated with the median closure as complete, and authorize the City Clerk to file a Notice of Completion and release the warranty security upon expiration of the statutory period,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The improvements related to the Roselle Median Closure in the Charleston Place Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the Letter of Credit for faithful performance in the amount of $18,400.00 upon recordation of the Notice of Completion.

3. The City Clerk is hereby authorized to release the warranty security to guarantee the closure improvements, one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-437

A RESOLUTION ACCEPTING IMPROVEMENTS IN THE MONTEREY BAY UNIT NO. 2 SUBDIVISION, IN THE CARVER-BANGS SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, BRIGHT DEVELOPMENT, a California corporation, is the subdivider of the Monterey Bay Unit No. 2 Subdivision, and

WHEREAS, BRIGHT DEVELOPMENT, a California corporation, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $273,450.00 and $136,725.00, respectively; and

WHEREAS, BRIGHT DEVELOPMENT, a California corporation, has filed a warranty bond in the amount of $27,345.00 to guarantee improvements in the Monterey Bay Unit No. 2 Subdivision, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The improvements in Monterey Bay Unit No. 2 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $273,450.00 upon recordation of the notice of completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $136,725.00 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $27,345.00 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Jackman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-439

A RESOLUTION APPROVING A LEASE AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR THE USE OF AIRPORT PROPERTY WHERE THE INSTRUMENT LANDING SYSTEM'S APPROACH LIGHTING (MALSR) AND THE RIGHT-OF-WAY TO THE FACILITY SITE IS LOCATED, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGATED REPRESENTATIVE TO EXECUTE THE LEASE ON BEHALF OF THE CITY

WHEREAS, the Modesto City-County Airport is equipped with an Instrument Landing System (ILS) to serve Runway 28R, and it allows continued air carrier and air carrier and general aviation flights during times of reduced visibility, and

WHEREAS, the ILS at Modesto City-County Airport is owned, operated, and maintained by the FAA, and the system has been in operation since it was first installed in the 1970's, and

WHEREAS, the approach lights (MALSR) are a component of the ILS, and FAA's existing lease for the property site is about to expire, and

WHEREAS, the FAA is interested in renewing the lease on a non-monetary basis and has requested the City to approve a new lease with a term commencing on October 1, 2002, and expiring on September 30, 2022, or until either party gives the other written notice that they wish to terminate the lease prior to its expiration date, and

WHEREAS, the Council Economic Development Committee reviewed the request at their September 9, 2002 meeting, and recommended approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the lease agreement with the FAA for the use of the airport's property where the ILS MALSR, and the utility right-of-way to the site is located.

BE IT FURTHER RESOLVED that the City Manager or his designated representative is hereby authorized to execute the lease on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-440

A RESOLUTION ACCEPTING THE PROJECT TITLED "UPGRADE TRAFFIC SIGNALS – CITY – 10TH AND J, 11TH AND J, COLLEGE AND STODDARD, AND EL VISTA AND MILLER" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Upgrade Traffic Signals – City – 10th and J, 11th and J, College and Stoddard, and El Vista and Miller, has been completed by Collins Electrical Company, Inc., in accordance with the contract agreement dated September 4, 2001,

NOW, THEREFORE, BE IT RESOLVED that the Upgrade Traffic Signals – City – 10th and J, 11th and J, College and Stoddard, and El Vista and Miller be accepted from said contractor, Collins Electrical Company, Inc., that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $262,530 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-441

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JONES & STOKES ASSOCIATES INC. FOR THE PROVISION OF SERVICES RELATED TO THE MODESTO MASTER ENVIRONMENTAL IMPACT REPORT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City and Jones & Stokes ("Consultant") executed an Agreement to update the City's Master Environmental Impact Report ("MEIR") for the City's General Plan, dated April 11, 2000, ("Agreement"), and

WHEREAS, City and Consultant executed an Amendment to subject Agreement dated April 24, 2001, and

WHEREAS, the original budget to assist City on traffic-related work has been impacted due to substantial time spent by Consultant on data checking and screening, additional analyses with land use and traffic networks that were later superceded or revised, extension of the project schedule and unanticipated project coordination, and

WHEREAS, City has identified the analysis of three (3) alternatives to the proposed project that it desires to be completed as part of the MEIR update pursuant to the California Environmental Quality Act (CEQA), and

WHEREAS, the parties now wish to further amend the Agreement to amend the payment schedule, revise the performance schedule, and to revise the Scope of Work for the agreement.

NOW, THEREFORE, BE IT RESOLVED that the Second Amendment to the Agreement is approved and the City Manager or his authorized designee is authorized to execute the Second Amendment to Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM

MICHAEL D. MILICH, City Attorney

By Alison A. Barratt-Green
ALISON A. BARRATT-GREEN, Senior Deputy City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-442

A RESOLUTION APPROVING A REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND O'BRIEN'S DEVELOPMENT RELATED TO THE REIMBURSEMENT FOR IMPROVEMENTS FOR THE PELANDALE AVENUE EXPRESSWAY.

WHEREAS, O'BRIEN'S DEVELOPMENT (O'BRIEN'S) owns a certain tract of land consisting of approximately 10.07 acres within Stanislaus County in the Pelandale-Snyder Specific Plan Area, commonly known as the O'Brien's Center, and

WHEREAS, O'BRIEN'S is developing said Center and, as a condition of approval of said development, is required to improve sixty-seven and one half (67 ½) feet of right-of-way to the north of the Center for the portion of Pelandale Avenue, six hundred (600) feet east of Dale Road, and

WHEREAS, pursuant to CITY'S CFF Reimbursement Policy, O'BRIEN'S has requested, and CITY has agreed, that O'BRIEN'S be reimbursed for the improvements for this portion of Pelandale Avenue in an amount not to exceed $150,600.00, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the CITY OF MODESTO and O'BRIEN'S related to the reimbursement for improvements for the Pelandale Avenue Expressway in an amount not to exceed $150,600.00 is hereby approved.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-443

A RESOLUTION CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE SPECIAL TAX TO THE QUALIFIED ELECTORS OF THE TERRITORY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE - ANNEXATION #9)

WHEREAS, on August 8, 2002, the City Council adopted Resolution No. 2002-371 (the "Resolution of Intention to Annex") indicating its intention to annex certain territory (the "Annexed Territory") to Community Facilities District No. 1996-1 (the "District") in order to finance certain public facilities (the "Facilities") and services (the "Services") and to authorize the levy of a special tax (the "Special Tax") within the Annexed Territory, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, a copy of the Resolution of Intention to Annex, describing the territory proposed to be annexed, the list of Facilities and Services to be financed by the Annexed Territory, and the Special Tax to be levied in the Annexed Territory, and setting the hearing thereon, is on file with the City Clerk , and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk, and

WHEREAS, a hearing of the City Council was held on September 10, 2002, as required by law related to the proposed annexation of territory and the levy of the Special Tax within the Annexed Territory and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation of territory and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, including all interested persons or taxpayers for or against the proposed annexation of territory and the levy of the Special Tax therein were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to the City Council on the matters before it, and the City Council at the conclusion of the hearing was fully advised as to all matters related to the proposed annexation and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, written protests against the proposed annexation and the levy of the Special Tax therein have not been filed with the City Clerk by fifty percent or more of the registered voters, or six registered voters, whichever is more, residing within either the District or the Annexed Territory proposed to be annexed to the District, or the owners of one-half or more of the area of land in either the territory in the District or the Annexed Territory and not exempt from the Special Tax, and

WHEREAS, the City Clerk has concurred in the election date herein set forth for the election herein called,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. All prior proceedings taken with respect to the annexation of territory to the District and the levy of the Special Tax therein, were valid and in

conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

therein have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 3.

(a) The Facilities to be financed by the Annexed Territory are set forth in **EXHIBIT "A"** attached hereto and incorporated herein by this reference.

(b) The Facilities are necessary to meet the increased demands placed upon the City and other local agencies operating within the Annexed Territory as a result of development occurring therein.

(c) No land within the Annexed Territory is devoted primarily to agricultural, timber or livestock uses or being used for the commercial production of agricultural, timber or livestock products.

SECTION 4.

(a) The Services to be financed by the Annexed Territory are set forth in **EXHIBIT "A"** attached hereto and incorporated herein by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The Services are governmental services which the City is authorized by law to provide to the extent that they

are in addition to those provided in the Annexed Territory before the territory was annexed to the District.

(b) The Services are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the Annexed Territory as a result of development occurring in the Annexed Territory.

SECTION 5. The Amended Report related to the Facilities and Services shall be a part of the record in these proceedings.

SECTION 6.

(a) As stated in the Resolution of Intention to Annex, it is the intention of the City Council, subject to the approval of the qualified electors of the Annexed Territory, to annex territory to the District and levy a Special Tax within the Annexed Territory. Specifically, upon such approval the Council shall levy the Special Tax upon the Annexed Territory.

(b) The rate, method of apportionment, and manner of collection of the special tax, in sufficient detail to allow each landowner or resident within the Annexed Territory to estimate the maximum amount that he or she will have to pay, is described in **EXHIBIT "A"** attached hereto and incorporated herein by this reference.

(c) The Special Tax as apportioned to each parcel pursuant to **EXHIBIT "A"** is based on the cost of making the Facilities

and Services available to each parcel of the Annexed Territory, or other reasonable basis, and is not based on or upon the ownership of real property.

There is no ad valorem property tax currently being levied on property within the Annexed Territory for the exclusive purpose of making lease payments or paying principal or interest on any other indebtedness incurred to finance the construction of capital facilities which are the same as are to be provided by the Facilities to be financed by the Annexed Territory.

SECTION 7. A special election (the "Election") is hereby called as a mail ballot election on the proposition of levying the Special Tax within the Annexed Territory. The City Council further directs that this Resolution shall constitute the notice of the Election on the above proposition. However, the giving of such notice is waived if the City Clerk shall receive unanimous consent to such waiver from the Landowners.

SECTION 8. It is hereby found that there were fewer than twelve registered voters registered to vote within the Annexed Territory on any one day during the ninety days preceding the close of the protest hearing. Pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Annexed Territory and each landowner who is the owner of record at the close of the Hearing, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that he or she owns within the Annexed Territory. The number of votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

SECTION 9. If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the Election by each of the owners of land included in the Annexed Territory (collectively, the "Landowners") on

or before Tuesday, the 17th day of September, 2002, the Election shall be held on that day, or on such earlier date on which the City Clerk shall have received such waivers and completed ballots. Otherwise, the Election shall be held on the first Tuesday after that date which is 90 days after the date on which this Resolution is adopted.

The Election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws. Receipt by the City Clerk of this Resolution, a certified map of sufficient scale and clarity to show the boundaries of the Annexed Territory and a sufficient description to allow the City Clerk to determine the boundaries of the Annexed Territory within three business days after the adoption of this Resolution shall be conclusively evidenced by the signature of the City Clerk on the certificate of adoption relating to this Resolution.

In accordance with Section 53326 of the Act, the ballots for the election shall be distributed by mail or by personal service by the City Clerk, with return postage prepaid, to each Landowner, or Landowner's authorized representative for the purpose of voting its interests at the special election, within the Annexed Territory. The City Clerk shall certify the proper mailing or service of ballots by an affidavit, which shall constitute conclusive proof of mailing or service in the absence of fraud. The voted ballots shall be returned to the City Clerk in person or by mail, courier, messenger or other means of delivery not later than 7:00 p.m. on the day of the Election.

SECTION 10. Unless waived with the unanimous consent of all the Landowners, there shall be prepared and included in the ballot material provided to each voter an impartial analysis pursuant to Section 5011 of the California Elections Code (the "Elections Code") and arguments and rebuttals, if any, pursuant to Sections 5012 to 5016, inclusive, and 5025 of the Elections Code.

SECTION 11. The Annexed Territory shall constitute a single election precinct for the purpose of holding the Election.

SECTION 12. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the Election. The City Clerk shall perform and render all services and proceedings incidental to and connected with the Election. These services shall include, but not be limited to, the following activities as are appropriate to the Election:

1. Cause to be printed the requisite number of official ballots, tally sheets and other necessary forms;

2. Furnish and address to mail or personally deliver the official ballots to the qualified electors of the Annexed Territory;

3. Cause the official ballots to be mailed or personally delivered, as required by law;

4. Receive the returns of the Election and supplies;

5. Sort and assemble the election material and supplies in preparation for the canvassing of the returns;

6. Canvass the returns of the Election;

7. Furnish a tabulation of the number of votes given in the Election;

8. Make all arrangements and take the necessary steps to pay all costs of the election incurred as a result of services performed for the Annexed Territory and pay costs and expenses of all election officials; and

9. Conduct and handle all other matters relating to the proceedings and conduct of the Election in the manner and form as required by law.

SECTION 13. Following the Election the City Clerk shall present a report to the City Council with the Election results. The Council shall then make a determination as to whether two-thirds or more of the votes cast are in favor of levying the Special Tax within the Annexed Territory. If the Council determines that two-thirds or more of the votes cast are in favor of the Special Tax, the City Council may levy the Special Tax in the Annexed Territory in the amount and for the purposes specified in the Resolution of Intention to Annex. The Special Tax may be levied in the Annexed Territory at the rate and may be apportioned in the manner specified in the Resolution of Intention to Annex and in the attached **EXHIBIT "A".**

SECTION 14. The City Clerk, in accordance with Sections 3114.5 and 3117.5 of the Streets and Highways Code, shall record an amendment to the Notice of Special Tax Lien originally recorded pursuant to Section 3114.5 of the California Streets and Highways Code in the office of the County Recorder of the County of Stanislaus as Document No. 96-0090915-00 on October 24, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)

CITY OF MODESTO
STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT

MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

AMENDED APRIL 1997
FOR
ANNEXATION NO. 1

Prepared by:

VAIL ENGINEERING CORPORATION
2033 Howe Ave., Ste. 220
Sacramento, CA 95825
(916) 929-3323
(916) 929-1772 FAX

COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)
PUBLIC REPORT - MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

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COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)

CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT

MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

INTRODUCTION

WHEREAS, City Council of the City of Modesto did, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and specifically Section 53321.5 thereof, expressly order the filing of a written "Report" with the City for a proposed Community Facilities District. This Community Facilities District shall hereinafter be referred to as:

Community Facilities District No. 1996-1 (Village One).

(hereinafter referred to as the "District") and

WHEREAS, the Resolution ordering said "Report" did direct that said "Report" generally contain the following:

(1) A description of the public capital facilities and services proposed for the District;

(2) A general description of the area to be served by said facilities; said areas being the boundaries of the District;

(3) A cost estimate, setting forth the costs and expenses for providing the public facilities and services to the properties within the boundaries of the District and the costs of any incidental expenses to be paid by the District;

(4) The rate and method of apportionment of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the annual amount of payment;

(5) General Terms and conditions relating to the proceedings.

For particulars, references is made to the Resolution of Intention ordering the report, as previously approved and adopted.

NOW, THEREFORE, I, Jerry L. Slinkard, P.E., authorized representative for Vail Engineering Corporation, the appointed responsible officer or person directed to prepare the Report, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, do hereby submit the following data:

COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)
CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

I. DESCRIPTION OF FACILITIES

All facilities described herein are as presented in the *Village One Facilities Master Plan* adopted June 1996. Said master plan is incorporated herein by reference. The following descriptions summarize the facilities to be funded within the CFD 1996-1.

A. ARTERIAL ROADS

The circulation plan for Village One consists of six major streets (four arterials and two expressways). For the purpose of this document, all six roadways are referred to as arterial roads. Urban interchanges are not included in the *Village One Finance Plan*. It is anticipated that subsequent updates to the Capital Facilities Fee Program will include urban interchanges. Refer to the Facilities Master Plan for right-of-way widths along arterial roads. The arterial roads are:

- Claus Road (Expressway): Briggsmore to AT and SF railroad, widen to six-lane expressway.
- Briggsmore (Expressway): Oakdale Road to Claus Road, widen to six-lane expressway.
- Sylvan Avenue: Oakdale Road to Roselle Avenue, widen to six lanes; Roselle Avenue to Clause Road, widen to four lanes plus bike lanes.
- Floyd Avenue: Oakdale Road to Claus Road, widen to four lanes plus bike lanes and parking.
- Oakdale Road: Briggsmore to Sylvan, widen to six lanes.
- Roselle Avenue: Briggsmore to Sylvan, widen to four lanes plus bike lanes.

B. STORM DRAINAGE SYSTEM

The storm drainage system for Village One consists of three basins for detention and retention:

1. **West Basin (9.56 acres):** Retention with pump out facilities to Central Basin.

2. **Central Basin (15.59):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

3. **Industrial Basin (8 acres):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

The facilities to be funded in CFD 1996-1 include: basins, land for basins, trunk gravity, drainage pipes in sizes ranging from 24 inches in diameter to 72 inches in diameter, and force mains. A detailed description and location of facilities is contained in *"Village One Facilities Master Plan"* adopted June 1996 and incorporated herein by reference.

C. UTILITY RELOCATION

The cost of a PG&E high pressure gas main within Claus Road between Briggsmore Avenue and Sylvan Avenue is identified for relocation.

D. PARKS

Three neighborhood parks and one community park will be developed within CFD 1996-1. The development of the parks will include the acquisition of land, park improvements, and street frontage improvements for:

Community Park	39 acres
Roselle Neighborhood Park	7 acres
Claus Neighborhood Park	7 acres
Merle Neighborhood Park	8 acres

In addition, 21.3 acres of buffer land for the community park is to be acquired, a bike trail is to be developed along M.I.D. Lateral No. 3, and a trail is to be developed along Claus Road.

E. PUBLIC FACILITIES

An area office for police is proposed within Village One. Funds are provided within CFD 1996-1 for tenant improvements necessary to set up an area office.

F. OTHER

Other costs associated with Village One include reimbursement to the City of Modesto for engineering of the Facilities Master Plan and planning related to the *Village One Specific Plan*, future annual administration costs for the CFD, and community signage for Village One.

G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET PARKWAYS*

The City will maintain the community park, Roselle Park, Claus Park, Merle Park, and arterial road parkways landscaping in a "good standard of maintenance" as defined by the Parks Department. M.I.D. Trail and Claus Trail will be maintained as Class I trails.

**Street parkways includes median and roadside landscape and hardscape.*

II. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT ANNEXATION NO. 1

The maps located at the end of the report includes land within Village One that will be annexed to and contained within Community Facilities District 1996-1 (Village One) Annexation No. 1.

III. COST ESTIMATES

A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX

The capital costs for CFD 1996-1 (Village One) Annexation No. 1 amended April, 1997, as estimated in the *Village One Facilities Master Plan* adopted June 1996, and as shown on page 28 of the *Village One Finance Plan*, is $48,457,856. This figure is based upon 1996 costs as set forth in the adopted Facilities Master Plan for Village One. These costs are subject to an annual inflation adjustment based upon the Engineering News Record Cost Index for the San Francisco region. A breakdown of these costs are as follows:

Arterial Roads	$20,509,278
Storm Drainage	$13,240,470
Utility Relocation	$1,120,458
Parks	$10,863,967
Public Facilities	$25,000
Other	$2,698,683
Subtotal:	$48,457,856
Annual CFD Administration (1%)	$484,579

In addition to the capital costs, an annual cost to administer the CFD is estimated at 1% of the capitol costs, or $484,579 over the life of the district.

Total district with administration is: $48,942,435

B. OPERATIONS AND MAINTENANCE COSTS FOR MAINTENANCE SPECIAL TAX

Estimated annual cost to the CFD at full buildout of Village One in 1996 dollars to provide operations and maintenance (O&M) of parks, street/parkway, and pathways (including landscaping) is $850,000. A breakdown of these annual O&M costs are:

* Annual maintenance cost at buildout in 1996 dollars:

Community Park and three (3) neighborhood parks			$149,073
Street/Parkways: *1,500,000 sq. ft. x $0.417 / sq. ft.*			$625,500
Pathway Landscaping: Subtotal Paths			$44,965
Class I:	*17,889 / 5,280 x $4,020 =*	*$13,560*	
Class II:	*82,388 / 5,280 x $1,500 =*	*$23,405*	
Class III:	*84,480 / 5,280 x $500 =*	*$8,000*	
		$44,965	
Weed and Litter Abatement			$4,251
Misc. Annual Admin/Cont. (3%)			$26,211
		Total Annual Cost:	$850,000

* *Total annual costs at "good" standard for all neighborhood and community parks in 1996 dollars is $708,676. The amount attributed to the Village One CFD is $149,073.*

IV. RATE AND METHOD *(By David Taussig and Associates)*

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1996-1 (herein "CFD No. 1996-1") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1996-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1996-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, or other recorded County parcel map.

"Annual Maintenance Special Tax" means a Special Tax levied in any Fiscal Year to pay for the operations and maintenance of parks, street landscaping pathways, weed and litter abatement, and miscellaneous annual administrative and contractual costs.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the County Assessor of the County of Stanislaus designating parcels by Assessor's Parcel Number.

"City" means the City of Modesto.

"City Manager" means the City Manager of the City of Modesto.

"Commercial Property" means all Parcels of Developed Property for which a building permit has been issued for a commercial establishment which sells general merchandise, hard goods, personal and professional services, and other items directly to consumers, including but not limited to travel agencies, hardware stores, food stores, automotive dealers, service stations, home furnishing stores,

restaurants, banks, repair shops, movie theaters, day care centers, and art galleries. In addition, all professional office space, including company headquarters, medical office buildings, and other such buildings, will be defined as Commercial Property.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1996-1.

"Developed Property" means, in any Fiscal Year, all Taxable Property for which a building permit for new construction was issued prior to March 1 of the preceding Fiscal Year or for which a Final Subdivision Map was recorded prior to March 1 of the preceding Fiscal Year creating individual lots for which a building permit may be issued without further subdivision.

"Facilities Special Tax" means a Special Tax levied in any Fiscal Year to pay for public facilities authorized to be funded by CFD No. 1996-1, including appurtenant expenses such as planning, design, engineering, inspection and financing costs.

"Final Subdivision Map" means a final subdivision map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) that creates individual lots for which building permits may be issued. The term "Final Subdivision Map" shall not include any Assessor's Parcel Map or subdivision map or portion thereof, that does not create individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Gross Acreage" means, for Developed Property, the total acreage within the Final Subdivision Map or Parcel map less arterial road right-of-ways (as defined and identified in the *Village One Specific Plan* #8, the *Village One Financing Plan* and *CFD Public Report*) and property that is identified in the Final Subdivision Map for use as a park site, school site, or storm drainage basin. For Undeveloped Property, Gross Acreage means the acreage identified on the Assessor's Map.

"Industrial Property" means all Parcels of Developed Property for which a building permit has been issued for a non-residential structure that is not Commercial Property.

"Land Use Class" means any of the five classes listed in Table 1 and Table 2 below.

"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year (I) to pay for authorized maintenance expenses, (ii) to pay administrative expenses of CFD No. 1996-1, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

"Maximum Special Tax" means the maximum Special Tax, determined in accordance with Section C below, that can be levied by the City in any Fiscal Year on Taxable Property.

"Multi-Family Residential" means any residential structure consisting of two or more residential units that share common walls including, but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, apartment units, including senior housing that fits within the aforementioned description.

"Other Property" means any Parcel of Developed Property for which a building permit has been issued for a use other than Very Low Density Residential, Village Residential, Multi-Family Residential, Commercial or Industrial Property.

"Other Undeveloped Property" means all Taxable Property that is not classified as Developed Property, Undeveloped Commercial Property, Undeveloped Industrial Property or Undeveloped Residential Property.

"Public Agency" means the federal government, State of California or other local governments or public agencies.

"Subdivided Property" means all Parcels which, after recordation of a Final Subdivision Map, are in their final configuration and for which building permits may be issued. Subdivided Property shall not include any Assessor's Parcels that are not individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

"Undeveloped Commercial Property" means any Parcel that is not Developed Property that is anticipated to be developed as Commercial Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"Undeveloped Industrial Property" means any Parcel that is not Developed Property that is anticipated to be developed as Industrial Property, as determined first by

reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"Undeveloped Residential Property" means any Parcel that is not Developed Property that is anticipated to be further subdivided and developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"Very Low Density Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre.

"Village One Facilities Master Plan" means the facilities master plan for development Village One adopted in June 1996, and as may be amended in the future.

"Village One Specific Plan" means the Specific Plan for development in Village One of the City of Modesto, as adopted by the City Council and as amended in future years.

"Village Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre.

B. ASSIGNMENT TO LAND USE CLASS

After issuance of a building permit and prior to final building permit inspection or issuance of a certificate of occupancy for a Parcel in CFD No. 1996-1, the Parcel shall be assigned to the appropriate Land Use Class based upon the land use and density proposed for the Parcel. For Multi-Family Residential Property, the number of residential units shall be determined by referencing the condominium plan, apartment plan, site plan or other development plan. If the Parcel is designated as Other Property, the City or its designee shall identify the appropriate Land Use Class for purposes of calculating the Maximum Special Tax by determining the land use that was anticipated for the Parcel based on reference to the current *Village One Specific Plan*. Determination of the appropriate Land Use Class shall be at the sole discretion of the City.

C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

a) Very Low Density Residential Property and Village Residential Property

Prior to recordation of each Final Map for property in CFD No. 1996-1, the City or its designee shall determine the Gross Acreage included within the Final Map and, for Very Low Density Residential Property and Village Residential Property, shall apply the following steps to determine the actual Maximum Special Tax that will apply to each unit within the Final Map:

Step 1: Determine if there is a portion of the Final Subdivision Map acreage that is not Subdivided Property, as defined in Section A above. Calculate the Gross Acreage associated with such unsubdivided Parcels by identifying the acreage of the Parcel and (I) adding all or a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way to either: 1) the centerline, if acreage within the final map fronts on both sides of the non-arterial road or, 2) the opposite right-of-way line if there is no fronting acreage within the final map or on the opposite side of the non-arterial road, and (ii) subtracting of the acreage of any arterial right-of-way included in the final map.

Step 2: Identify the Land Use Class that applies to all Parcels of Subdivided Property within the Final Subdivision Map.

Step 3: Determine the Gross Acreage of all Subdivided Property included within the Final Subdivision Map. If more than one Land Use Class is represented within the Final Subdivision Map, distribute the Gross Acreage of all Subdivided Property to each Land Use Class.

Step 4: Multiply the Gross Acreage for each Land Use Class determined in Step 3 by the Facilities Special Tax identified for each Land Use Class in Table 1 below.

Step 5: Separately for each Land Use Class identified in the Final Subdivision Map, divide the product determined in Step 4 by the number of residential units within that Land Use Class as reflected in the Final Subdivision Map.

Step 6: Multiply the quotient(s) determined in Step 5 by 1.01 to calculate the Facilities Special Tax per residential unit that shall be collected prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

b) Multi-Family Residential Property, Commercial Property, and Industrial Property

The Maximum Facilities Special Tax for Multi-Family Residential, Commercial and Industrial Property shall be determined as follows:

Step 1: Determine the Gross Acreage of the Multi-Family Residential, Commercial, or Industrial Property within the Final Subdivision Map. Such determination shall include netting out any property within the Final Subdivision Map that is not Subdivided Property, as set forth in Step 1 of Section C.1.a. above.

Step 2: Multiply the Gross Acreage determined in Step 1 by the Maximum Facilities Special Tax applicable to each Land Use Class as shown in Table 1 below.

Step 3: Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

Table 1
Per-Acre Special Tax to be Used in
Calculation of Maximum Facilities Special Tax
For Annexation Area No. 1
(Fiscal Year 1996-97)

Land Use Class	Description	Per-Acre Special Tax
1	Very Low Density Residential	$19,715 per Gross Acre
2	Village Residential	$29,479 per Gross Acre
3	Multi-Family Residential	$76,394 per Gross Acre
4	Commercial	$86,610 per Gross Acre
5	Industrial	$40,564 per Gross Acre

Beginning in January 1997, the Facilities Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Facilities Special Tax shall become effective on the subsequent July 1, and shall apply to all Parcels which have not paid the Facilities Special Tax prior to July 1.

The Facilities Special Tax represents a lien on each Parcel which is anticipated to be released upon payment of the Facilities Special Tax, which is expected to occur no later than final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

2. Maintenance Special Tax

All Taxable Property within this CFD Annexation No. 1 shall be subject to a Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1996-1 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner.

a) Developed Property

The following maximum rates apply to all Parcels of Developed Property within CFD No. 1996-1 for each Fiscal Year in which the Maintenance Special Tax will be levied:

Table 2
Maximum Annual Maintenance Special Tax
(Fiscal Year 1996-97)

Land Use Class	Description	Maximum Annual Maintenance Special Tax
1	Very Low Density Residential	$112.43 per lot
2	Village Residential	$112.43 per lot
3	Multi-Family Residential	$ 72.99 per unit
4	Commercial	$394.30 per Gross Acre
5	Industrial	$394.30 per Gross Acre

Beginning in January 1997, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the greater of (I) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

b) Undeveloped Property

Undeveloped Residential Property:

The maximum Annual Maintenance Special Tax for each Parcel of Residential Undeveloped Property shall be determined as follows:

Step 1: Determine whether the Parcel will be developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property determined by reference to the *Village One Specific Plan.*

Step 2: Multiply the average density for the Parcel's Land Use Class as determined in Step 1 by the Gross Acreage of the Parcel to determine the average number of units that could be built on the Parcel. The average density for each Land Use Class shall be determined based on reference to the *Village One Specific Plan.*

Step 3: Multiply the average number of units for the Parcel as determined in Step 2 by the maximum Annual Maintenance Special Tax for the appropriate Land Use Class, as determined by reference to Table 2.

Step 4: Multiply the figure calculated in Step 3 by 0.50 to determine the total Maintenance Special Tax to be levied on the Parcel.

Undeveloped Commercial and Undeveloped Industrial Property:

The maximum annual Maintenance Special Tax that can be levied on Undeveloped Commercial and Undeveloped Industrial Property is the same as those rates identified in Table 2 above for Developed Commercial or Industrial Property.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

The Facilities Special Tax shall be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction for any residential or non-residential structure within CFD No. 1996-1 and shall be immediately delinquent if not so paid.

2. Maintenance Special Tax

Commencing with Fiscal Year 1997-98 and for each following Fiscal Year, the City or its designee shall determine the Maintenance Special Tax Requirement to be collected from Taxable Property in CFD No. 1996-1 in the Fiscal Year. The Maintenance Special Tax shall then be levied as follows:

Step 1: Calculate the total Maintenance Special Tax revenues that could be collected from Developed and Undeveloped Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C above.

Step 2: Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.

Step 3: If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Maintenance Special Tax determined pursuant to Section C on all Developed and Undeveloped Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.

Step 4: Levy the maximum Annual Maintenance Special Tax against all Parcels of Developed Property. Subtract the amount generated from Developed Property from the Maintenance Special Tax Requirement, and levy a Maintenance Special Tax on all Parcels of Undeveloped Residential, Undeveloped Commercial and Undeveloped Industrial Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax for Undeveloped Property determined pursuant to Section C.2.b. above.

The Annual Maintenance Special Tax for CFD No. 1996-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1996-1 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes.

E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

F. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

V. GENERAL TERMS AND CONDITIONS

A. SUBSTITUTION FACILITIES

The description of the general capital facilities, as set forth herein and as shown in the Facilities Master Plan, are conceptual in their nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans may show substitutes, in lieu or modifications to the proposed work in order to accomplish the work of improvement, and any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in this report.

B. APPEALS AND INTERPRETATION PROCEDURE

Any landowner or resident who feels that the amount of formula of the special tax is in error may file a notice with the legislative body appealing the levy of the special tax. An appeals panel of three members, as appointed by the legislative body, will then meet and promptly review the appeal, and if necessary, meet with the applicant. If the findings of the Appeals Board verify that the tax should be modified or changed, a recommendation at that time will be made to the legislative body, as appropriate, the special tax levy shall be corrected, and if applicable, in any case, a refund shall be granted.

Interpretations may be made by the legislative body by Resolution for purposes of clarifying any vagueness or ambiguity as it relates to any category, zone, rate or definition applicable to these proceedings.

C. ADMINISTRATION OF FUNDS

1. Facilities Fund

All funds received from the payment of the one-time facilities special tax shall be maintained in a single facilities fund account. This account shall apportion the funds into the facilities categories as shown on page 43 of the "City of Modesto Village One Finance Plan" as adopted by the City Council in Resolution No. 96-463 dated August 13, 1996, or as said ordinance may be amended. The City has full discretion in the use of the funds for all authorized facilities within this pooled account. Accounting of the fund shall

track the use of funds to insure the ultimate distribution of funds at buildout are as proportioned in said Ordinance 96-463.

2. **Maintenance Fund**

All annual maintenance special taxes shall be maintained in a single account. Funds shall be utilized at the discretion of the City to fund authorized maintenance and administration services.

VI. CERTIFICATION

It is my opinion that the special tax rate and method of apportionment, as set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

Jerry L. Slinkard
Vail Engineering Corporation

Date

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-444

RESOLUTION APPROVING AN AGREEMENT WITH AARON READ & ASSOCIATES FOR LOBBYING EFFORTS AT THE STATE LEVEL IN AN AMOUNT NOT TO EXCEED $69,300 ANNUALLY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, on January 1, 2001, the City entered into a contract for lobbying services with Aaron Read & Associates, and

WHEREAS, existing staff does not have the expertise to lobby the state on behalf of the City or the time to effectively monitor the state's actions, and

WHEREAS, the City has utilized the services of Aaron Read & Associates and has been satisfied with the efforts and results of that firm, and

WHEREAS, Aaron Read & Associates has successfully secured state funding for the city, advocated for legislation that is beneficial to the city, and met with important officials to discuss the city's necessities and pursuits,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Aaron Read & Associates, for lobbying efforts at the state level in an amount not to exceed $69,300, per year;

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, CITY ATTORNEY

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-445

A RESOLUTION ESTABLISHING THE ROSELAWN PROJECT.

WHEREAS, a site visit to the Roselawn area showed numerous illegal dumping activities, abandoned vehicles, traffic violations, building code violations and other code violations, and

WHEREAS, staff is recommending that a multi-department project be established to address the issues of code violations, traffic violations, abandoned vehicles, animal issues, and solid waste, and other issues and problems that affect the quality of life in the Roselawn area, and

WHEREAS, the Safety and Communities Committee met on July 1, 2002, and supported staff's recommendation to establish the Roselawn Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Roselawn Project is hereby established.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-446

A RESOLUTION AMENDING THE FISCAL YEAR 02-03 OPERATING BUDGET TO TRANSFER $15,000 FROM 0100-800-8000-8003, GENERAL FUND RESERVE, TO 0100-370-3770-0235, NEIGHBORHOOD PRESERVATION PROFESSIONAL SERVICES TO PROVIDE FUNDING TO THE ROSELAWN PROJECT

WHEREAS, City staff has recommended that a multi-department project be established to address the issues of code violations, traffic violations, abandoned vehicles, animal issues, illegal dumping, solid waste, and other issues and problems that affect the quality of life in the Roselawn area, and

WHEREAS, in addition to funds budgeted within the participating departments, an additional $15,000 is needed for overtime for code enforcement, neighborhood clean-up and boarding up of properties, and

WHEREAS, the Safety and Communities Committee met on July 1, 2002, and supported staff's recommendation to establish the Roselawn Project and the request for an additional $15,000 to fully fund the project from the General Fund Reserve,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2002-03 operating budget is hereby amended to transfer $15,000 from the General Fund Reserve, 0100-800-8000-8003, to: 0100-370-3770-0235, Parks, Recreation and Neighborhoods Department, Neighborhood Preservation Unit Organization, Services, Professional and Other.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-447

A RESOLUTION APPOINTING COUNCILMEMBER CONRAD, KEATING AND O'BRYANT, AND CITIZENS JOHN ROSE, GARY PLUMMER, SUSAN AZEVEDO AND TED COOK TO AN PUBLIC SAFTEY AD HOC COMMITTEE.

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1: Councilmembers Conrad, Keating and O'Bryant, and citizens John Rose, Gary Plummer, Susan Azevedo and Ted Cook are hereby appointed to a Public Safety Ad Hoc Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Public Safety Ad Hoc Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-448

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE OFFICE OF THE CITY ATTORNEY OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 2001-262A

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

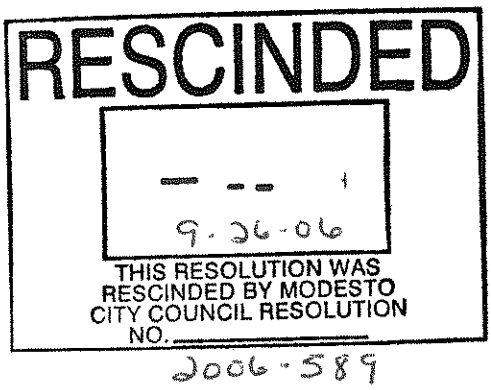
WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 24, 2002 considered the adoption of amended conflict of interest codes for various City departments, including the Office of the City Attorney.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Office of the City Attorney of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2001-262A adopted by the Council is hereby rescinded.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM
BY:
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-449

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE OFFICE OF THE CITY CLERK & AUDITOR OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 1992-193

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

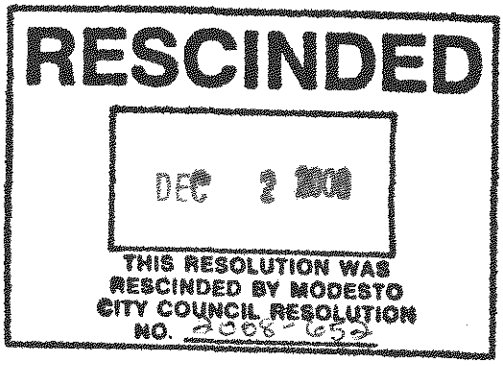
WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 24, 2002 considered the adoption of amended conflict of interest codes for various City departments, including the Office of the City Clerk & Auditor.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Office of the City Clerk & Auditor of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 1992-193 adopted by the Council is hereby rescinded.

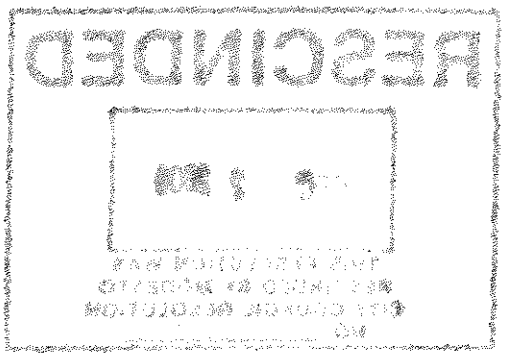


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM
BY:
MICHAEL D. MILICH, City Attorney



Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-450

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE OFFICE OF THE CITY MANAGER OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 2001-262B

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 24, 2002 considered the adoption of amended conflict of interest codes for various City departments, including the Office of the City Manager.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Office of the City Manager of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2001-262B adopted by the Council is hereby rescinded.

RESCINDED
9-28-04
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2004-474

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM
BY: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-451

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE FINANCE DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 2001-262C

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 24, 2002 considered the adoption of amended conflict of interest codes for various City departments, including the Finance Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Finance Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2001-262C adopted by the Council is hereby rescinded.

RESCINDED

9-28-04

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2004-476

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM
BY: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-452

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 2001-263

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 24, 2002 considered the adoption of amended conflict of interest codes for various City departments, including the Community & Economic Development Department

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Community & Economic Development Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2001-263 adopted by the Council is hereby rescinded.

RESCINDED
9-28-04
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2004-475

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM
BY:
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-453

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE PARKS, RECREATION & NEIGHBORHOODS DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 2001-267

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 24, 2002 considered the adoption of amended conflict of interest codes for various City departments, including the Parks, Recreation & Neighborhoods Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Parks, Recreation & Neighborhoods Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2001-267 adopted by the Council is hereby rescinded.

RESCINDED

9-28-04

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2004-478

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM
BY:
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-454

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE OPERATIONS & MAINTENANCE DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 2001-266A

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 24, 2002 considered the adoption of amended conflict of interest codes for various City departments, including the Operations & Maintenance Development Department

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Operations & Maintenance Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2001-266A adopted by the Council is hereby rescinded.

RESCINDED
9-28-04
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2004-480

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM
BY:
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-455

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING A CONFLICT OF INTEREST CODE FOR THE INFORMATION & TECHNOLOGY DEPARTMENT OF THE CITY OF MODESTO

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 24, 2002 considered the adoption of a conflict of interest code for the new Information & Technology Department of the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts a Conflict of Interest Code for the Information & Technology Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

RESCINDED

9-28-04

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2004-477

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JEAN ZAHR, City Clerk

APPROVED AS TO FORM
BY: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-456

A RESOLUTION APPROVING AN AGREEMENT WITH ROYSTON, HANAMOTO, ALLEY AND ABEY FOR PROFESSIONAL LANDSCAPE ARCHITECTURAL SERVICES TO PREPARE CONSTRUCTION DOCUMENTS FOR USTACH NEIGHBORHOOD PARK AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT.

WHEREAS, the City owns an approximately 9-acre neighborhood park site in Village One, immediately to the north of Elizabeth Ustach Middle School, and

WHEREAS, the Master Plan and Design Development Report for Ustach Neighborhood Park ("park") were approved by the City Council on August 8, 2002, and

WHEREAS, staff now desires to enter into an agreement to complete the construction documents for the park, and

WHEREAS, Royston, Hanamoto, Alley and Abey, professional landscape architectural firm, has agreed to prepare the construction documents at a cost not to exceed $82,000, and

WHEREAS, the Safety and Communities Committee met on September 4, 2002, and supported the recommendation to enter into an agreement with Royston, Hanamoto, Alley and Abey for the preparation of construction documents for Ustach Neighborhood Park,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the agreement with Royston, Hanamoto, Alley and Abey for the preparation of construction documents for Ustach Neighborhood Park, at a cost not to exceed $82,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-457

A RESOLUTION AMENDING THE FISCAL YEAR 2002-03 CAPITAL IMPROVEMENT BUDGET TO A) TRANSFER $35,000 FROM 1350-310-N445, PARK MASTER PLANNING/CONSTRUCTION DOCUMENTS TO 1350-310-Q200, USTACH NEIGHBORHOOD PARK, AND B) AMEND THE DESCRIPTION OF PROJECT Q200 TO INCLUDE PREPARATION OF CONSTRUCTION DOCUMENTS.

WHEREAS, the City desires to enter into an agreement with a professional landscape architecture firm to prepare construction documents for Ustach Neighborhood Park, and

WHEREAS, the cost to provide the construction documents is estimated to be $82,000, and

WHEREAS, an additional $8,000 will be needed for City staff to provide project management, and

WHEREAS, $65,000 is available in Capital Improvement Project 1350-310-N445, Park Master Planning/Construction Documents, and

WHEREAS, $55,000 is available in Capital Improvement Project 1350-310-Q200, Ustach Neighborhood Park, and

WHEREAS, staff is recommending that funding for the construction documents be consolidated into project Q200, and that the description of project Q200 be amended to include preparation of construction documents, and

WHEREAS, the Safety and Communities Committee met on September 4, 2002, and supported the recommendation to amend the Fiscal Year 2002-03 Capital Improvement Budget to transfer $35,000.00 from the Park Master Planning/Const. Doc. account #1350-310-N445 to the Ustach Neighborhood Park account #1350-310-Q200-

6010 and to amend the description of the Ustach Neighborhood Park account to include preparation of construction documents,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2002-03 Capital Improvement Budget is hereby amended to transfer $35,000.00 from the Park Master Planning/Const. Doc. account #1350-310-N445 to the Ustach Neighborhood Park account #1350-310-Q200-6010 ,

BE IT FURTHER RESOLVED that the description of the Ustach Neighborhood Park account is hereby amended to include preparation of construction documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-458

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PREPARATION OF CONSTRUCTION DOCUMENTS FOR USTACH NEIGHBORHOOD PARK.

WHEREAS, on September 11, 1990, the Modesto City Council adopted Resolution No. 90-757 certifying the Village One Final Program Environmental Impact Report ("EIR") (State Clearing House No. 90020181) as complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, on May 24, 1994, the Modesto City Council has adopted Resolution No. 94-297 certifying a Supplemental EIR for Village One; which superceded and amended the Village One EIR (SCH No. 90020181), and

WHEREAS on August 8, 2002, by Resolution No. 2002-385, the City Council approved the Ustach Neighborhood Park project, which includes: adoption of the Master Plan and Design Development Report; future preparation of Construction Documents; and subsequent construction, and

WHEREAS, in connection with that approval, City staff prepared an Initial Study, Environmental Assessment No. EA/ PR&N 2002-04, ("Initial Study"), which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on August 8, 2002 in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California at which time the Council adopted

Resolution No.2002-386 which made the following findings as contained in the Initial Study:

A. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR, as modified by the Supplemental EIR (SCH No. 90020181).

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

C. No new information, which was not known and could not have been known at the time the Village One Specific Plan Program EIR, as modified by the Supplemental EIR, has become available.

D. This initial study provides substantial evidence to support findings A, B and C, above.

WHEREAS, the City now desires to develop construction documents for a 9-acre neighborhood park in Precise Plan Area #15 of the Village One Specific Plan, and

WHEREAS, in accordance with the CEQA guidelines, the City has caused to be published a 20-day notice of the City's intent to make a finding of conformance with the Initial Study and the Village One Program EIR as amended by the Supplemental EIR, on September 4, 2002, and

WHEREAS, this matter will be considered by the City Council at its meeting on September 24, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Village One Program EIR as amended by the Supplemental EIR and Environmental Assessment No. EA/ PR&N 2002-04,

entitled "Ustach Neighborhood Park (Village One – Precise Plan Area #15)", for the proposed project, and the Council hereby makes the following findings:

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and the previous Initial Study, and no new environmental document or findings are required by CEQA.

2. The project will have no new effects which were not examined in the Village One Program EIR and no new mitigation measures would be required.

3. There are no substantial changes proposed in the project which will require major revisions of the Village One Program EIR.

4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Program EIR.

5. No new information, which was not known and could not have been known at the time the Village One Program EIR was certified as complete, has become available.

6. There are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Village One Program EIR will be sufficient for this project.

7. All feasible mitigation measures set forth in the Village One Program EIR which are appropriate to the project shall be incorporated in the project.

8. The initial study, Environmental Assessment No. EA/PR&N 2002-04, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/PR&N 2002-04, entitled "Ustach Neighborhood Park (Village One – Precise Plan Area #15)", is on file and available in the City Clerk's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-459

A RESOLUTION APPROVING THE RECOMMENDATION OF THE CITIZEN'S HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE TO ALLOCATE $10,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR A LITTLE LEAGUE DIAMOND AT ORVILLE WRIGHT SCHOOL.

WHEREAS, in April 2002, the Parks, Recreation and Neighborhoods Department released a Request for Proposal (RFP) to interested individuals and/or groups located in low-income neighborhoods for potential Capital Improvement Program projects in their neighborhoods, and

WHEREAS, funds are budgeted in account 11303-320-3254-0505, Neighborhood Grants, and

WHEREAS, up to $10,000 in Community Development Block Grant (CDBG) funds may be allocated to each beautification or improvement project that will result in an improvement in the quality of life for the residents of that neighborhood, and

WHEREAS, the Orville Wright/Airport Little League had 190 youth on 18 teams during the last season, with virtually no fields to play on, with the one existing diamond located at the Orville Wright School not meeting Little League standards, and

WHEREAS, Little League Baseball is an important, positive recreational activity for the low-income youth in this neighborhood, and

WHEREAS, the Orville Wright Baseball for Youth Program submitted a proposal in response to the RFP, and

WHEREAS, they have been working for some time on plans to build a new Little League Diamond, and have a commitment of $3,000 from the Modesto A's through the "Field of Dreams" program, in addition to in-kind contributions from Modesto City Schools for the sprinkler system and assistance with materials, plus a large volunteer pool for the construction of the diamond itself, and

WHEREAS, this baseball diamond, to be located on the school grounds, is included in the City's Master Plan for the Orville Wright Park, which will be located adjacent to the school grounds,

WHEREAS, said Master Plan was approved by the City Council at its June 11, 2002, meeting, and

WHEREAS, the Citizens Housing and Community Development Committee met on June 21, 2002, and supported the recommendation to allocate $10,000 to Orville Wright Baseball for Youth for a Little League Diamond at Orville Wright School, and

WHEREAS, the $10,000 CDBG grant will be used to purchase materials for the construction of the diamond, including fencing and concrete,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves allocation of $10,000 in Community Development Block Grant funds to Orville Wright Baseball for Youth for a Little League Diamond at Orville Wright School.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-460

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE SCOPE OF THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017) AND THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR ORVILLE WRIGHT NEIGHBORHOOD PARK ENTITLED "PROPOSED DESIGN AND DEVELOPMENT OF ORVILLE WRIGHT NEIGHBORHOOD PARK" (EA No. PR&N 2002-01): ALLOCATION OF $10,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR A LITTLE LEAGUE DIAMOND AT ORVILLE WRIGHT SCHOOL.

WHEREAS, on August 15, 1995, the Modesto City Council adopted Resolution No. 95-408 certifying that the Modesto Urban Area General Plan Environmental Impact Report ("EIR") (State Clearing House No. 92052017) as complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the City has prepared a master plan and desires to develop a 3.8 acre neighborhood park and 2.3 acres of adjacent property owned by Modesto City Schools District, and

WHEREAS, City staff prepared an Initial Study and Mitigated Negative Declaration, entitled "Proposed Design and Development of Orville Wright Neighborhood Park", Environmental Assessment No. EA/PR&N 2002-01, which concluded that the proposed development of Orville Wright Neighborhood Park is within the scope of the Modesto Urban Area General Plan Master EIR (SCH No. 92052017), and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on June 11, 2002 at which time the Council adopted

Resolution No.2002-301, making certain findings and adopting the Mitigated Negative Declaration, and

WHEREAS, on June 11, 2002, by Resolution No. 2002-303, the City Council approved the Master Plan and Design Development Report for Orville Wright Neighborhood Park, which includes development of the school site, including the Little League diamond, and

WHEREAS, staff is now recommending that $10,000 in Community Development Block Grant Funds be allocated toward the construction of the Little League diamond on the school site, and

WHEREAS, in accordance with the CEQA guidelines, the City has caused to be published a 20-day notice of the City's intent to make a finding of conformance with Environmental Assessment No. EA/PR&N 2002-01 and the approved Mitigated Negative Declaration, on September 4, 2002, and

WHEREAS, this matter will be considered by the City Council at its meeting on September 24, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/ PR&N 2002-01 and the approved Mitigated Negative Declaration, entitled "Proposed Design and Development of Orville Wright Neighborhood Park", for the proposed project, and the Council hereby makes the following findings:

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Modesto Urban Area General Plan Master EIR and the Initial Study and Mitigated

Negative Declaration, and no new environmental document or findings are required by CEQA.

2. The project will have no new effects which were not examined in the Initial Study and Mitigated Negative Declaration and no new mitigation measures would be required.

3. There are no substantial changes proposed in the project which will require revisions to the Initial Study and Mitigated Negative Declaration.

4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Initial Study and Mitigated Negative Declaration.

5. No new information, which was not known and could not have been known at the time the Initial Study and Mitigated Negative Declaration was approved, has become available.

6. There are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Initial Study and Mitigated Negative Declaration will be sufficient for this project.

7. All feasible mitigation measures set forth in the Initial Study and Mitigated Negative Declaration which are appropriate to the project shall be incorporated in the project.

8. The Initial Study and Mitigated Negative Declaration, Environmental Assessment No. EA/ PR&N 2002-01, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/PR&N 2002-01, entitled "Proposed Design and Development of Orville Wright Neighborhood Park", is on file with the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-461

Print

A RESOLUTION APPROVING AN AGREEMENT WITH ORVILLE WRIGHT BASEBALL FOR YOUTH PROGRAM FOR $10,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR A LITTLE LEAGUE DIAMOND AT ORVILLE WRIGHT SCHOOL AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, in April 2002, the Parks, Recreation and Neighborhoods Department released a Request for Proposal (RFP) to interested individuals and/or groups located in low-income neighborhoods for potential Capital Improvement Program projects in their neighborhoods, and

WHEREAS, up to $10,000 in Community Development Block Grant (CDBG) funds may be allocated to each beautification or improvement project that will result in an improvement in the quality of life for the residents of that neighborhood, and

WHEREAS, the Orville Wright/Airport Little League had 190 youth on 18 teams during the last season, with virtually no fields to play on, with the one existing diamond located at the Orville Wright School not meeting Little League standards, and

WHEREAS, Little League Baseball is an important, positive recreational activity for the low-income youth in this neighborhood, and

WHEREAS, the Orville Wright Baseball for Youth Program submitted a proposal in response to the RFP, and

WHEREAS, they have been working for some time on plans to build a new Little League Diamond, and have a commitment of $3,000 from the Modesto A's through the "Field of Dreams" program, in addition to in-kind contributions from Modesto City Schools for the sprinkler system and assistance with materials, plus a large volunteer pool for the construction of the diamond itself, and

WHEREAS, this baseball diamond, to be located on the school grounds, is included in the City's Master Plan for the Orville Wright Park, which will be located adjacent to the school grounds, and

WHEREAS, said Master Plan was approved by the City Council at its June 11, 2002, meeting, and

WHEREAS, the $10,000 CDBG grant would be used to purchase materials for the construction of the diamond, including fencing and concrete, and

WHEREAS, the Citizens Housing and Community Development Committee met on June 21, 2002, and supported the recommendation to enter into an agreement with Orville Wright Baseball for Youth for $10,000 for a Little League Diamond at Orville Wright School,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an agreement with Orville Wright Baseball for Youth for $10,000 for a Little League Diamond at Orville Wright School.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-462

A RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION FOR $200,000 IN GRANT FUNDS FOR THE LOCAL AGENCY GRANT PROGRAM – FISCAL YEAR 2002-03 UNDER THE HABITAT CONSERVATION FUND PROGRAM OF THE CALIFORNIA WILDLIFE PROTECTION ACT OF 1990 FOR THE FOLLOWING PROJECT: REMOVAL OF DENNETT DAM, AND AUTHORIZING THE CITY MANAGER TO SIGN THE APPLICATION.

WHEREAS, the people of the State of California have enacted the California Wildlife Protection Act of 1990, which provides funds to the State of California for grants to local agencies to acquire and/or develop facilities for public recreational and fish and wildlife habitat protection purposes, and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of a portion of the program within the State, setting up necessary procedures governing application by local agencies under the program, and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications before submission of said applications to the State, and

WHEREAS, said applications contain assurances that the applicant must comply with, and

WHEREAS, staff has prepared an application for $200,000 in funding under the Habitat Conservation Fund Program of the California Wildlife Protection Act of 1990 for removal of the remnants of the Dennett Dam, located in the Tuolumne River within the boundaries of the Tuolumne River Regional Park, and

WHEREAS the City of Modesto will enter into an agreement with the State of California for development of the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby:

1. Approves the submission of an application for $200,000 in funding under the Habitat Conservation Fund Program of the California Wildlife Protection Act of 1990 for removal of the remnants of the Dennett Dam, located in the Tuolumne River within the boundaries of the Tuolumne River Regional Park; and
2. Certifies that the City of Modesto understands the assurances and certification in the application form; and
3. Certifies that the City of Modesto has or will have available prior to commencement of any work on the project included in this application, the required match and will have sufficient funds to operate and maintain the project; and
4. Appoints the City Manager or his designee as agent of the City of Modesto to execute and submit the necessary grant application documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-463

A RESOLUTION AMENDING THE FISCAL YEAR 2002-03 OPERATING BUDGET TO RE-APPROPRIATE FUNDS FOR PROJECTS AND ACTIVITIES APPROVED IN FISCAL YEAR 2001-02, BUT NOT COMPLETED FOR THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT.

WHEREAS, from time to time during Fiscal Year 2001-02, the City Council authorized operating budget funding for several specific projects to be completed by the Parks, Recreation and Neighborhoods Department, and

WHEREAS, some of these projects were not completed, and

WHEREAS, staff now desires to complete these projects and activities,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the Fiscal Year 2002-03 operating budget to:

1. Re-appropriate $37,927 from 1300-800-8000-8003 to 1300-340-3419-5900 (Thurman Field).
2. Re-appropriate $127,141 from 0100-800-8000-8003 to 0100-360-3614-0235 (McClure Country Place).
3. Re-appropriate $15,000 from 0100-800-8000-8003 to 0100-360-3611-0235 (Art League Re-location).
4. Re-appropriate $5,731 from 6710-800-8000-8003 to 6710-340-3420-5900 (Centre Plaza FF&E).
5. Re-appropriate $20,000 from 6700-800-8000-8003 to 6700-340-3412-0235 (Centre Plaza 5-year Plan).
6. Re-appropriate $4,200 from 6700-800-8000-8003 to 6700-340-3412-0235 (Celebration of Lights).

BE IT FURTHER RESOLVED that the Fiscal Year 2001-02 year-end balance of the Parks, Recreation and Neighborhoods Department be reduced by $155,471 prior to calculation of the department's Accountability Budgeting System (ABS) carry-over for Fiscal Year 2001-02 as follows:

1. ($121,141) from 0100-360-3614-0235 (McClure Country Place)
2. ($15,000) from 0100-380-3810-0235 (Modesto Community Service Center Engineering)
3. ($13,330) from 0100-320-3201-0491 (Rental Assistance).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 -464

A RESOLUTION APPROVING THE ANIMAL SERVICE AGREEMENT WITH THE COUNTY OF STANISLAUS IN THE AMOUNT OF $370,000 ANNUALLY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto and County of Stanislaus entered into an Agreement for Animal Control Shelter Services on February 28, 1972, and

WHEREAS, on April 23, 2002, by Resolution No. 2002-185, the agreement was extended through September 30, 2002, and

WHEREAS, this agreement, with extended term, will expire on September 30, 2002, and

WHEREAS, the parties now wish to enter into a new Agreement with different conditions, promises and covenants in the amount of $370,000 annually, and

WHEREAS, the agreement will be in effect from its effective date of execution to June 30, 2007, and

WHEREAS, costs for this agreement are budgeted in the Police Department General Fund 2002/ 2003 fiscal year allocations, and

WHEREAS, the Safety and Communities Committee recommended approval and execution of this agreement at its meeting of September 4, 2002,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Animal Service Agreement between the City of Modesto and the County of Stanislaus is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the execution of said agreement by the City Manager, or his authorized designee, is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-465

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO PURCHASE A 2002 JACOBSEN, HIGH PRODUCTION ROTARY MOWER, MODEL HR9016, FROM H.V.CARTER INC. OF LIVERMORE, CA. FOR A TOTAL COST OF $72,147.41.

WHEREAS, the Operations and Maintenance Department-Fleet Services has requested the purchase of a 2002 Jacobsen, Model #HR9016, High Production, Rotary Mower, and

WHEREAS, recently the Parks Division converted to this type of high-production mower because it can do what previously was accomplished with two mowers, and

WHEREAS, this mower will replace a 1996 mower which has experienced significant maintenance problems and is currently out of service due to a major engine failure, and

WHEREAS, City Park crews have been without a high-production mower for six (6) weeks and consequently mowing capacity has decreased by twenty-five (25) percent, and

WHEREAS, this decrease in capacity has led to an increase in complaints from the public, and

WHEREAS, the purchase of a new high production mower will allow staff to return to normal mowing capacities, and

WHEREAS, by piggybacking on the City of San Jose contract # FB 00-01-46, the City can obtain the lowest possible cost commensurate with the desired quality and conform to MMC 8-3.203,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to issue a purchase order for a 2002 Jacobsen, High Production Rotary Mower, Model # HR9016 from H.V. Carter Inc., of Livermore, California, for a total cost of $72,147.41.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By:
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-466

A RESOLUTION AUTHORIZING THE AWARD OF CONCRETE PICNIC TABLES TO UNIVERSAL PRECAST INC., REDDING, CA FOR A TOTAL NOT TO EXCEED COST OF $85,487.81.

WHEREAS, the City of Modesto has deemed it necessary to purchase concrete picnic tables, and

WHEREAS, by Resolution No. 2002-228 Council authorized the solicitation of formal bids for concrete picnic tables, and

WHEREAS, the City Clerk formally solicited bids and formally opened all responses to the solicitation of bids for concrete picnic tables on July 2, 2002, and

WHEREAS, Modesto Municipal Code, Section 8-3.203, allows for the award to be made to the lowest responsive and responsible bidder, and

WHEREAS, staff recommends that the City award the bid to the lowest responsive and responsible bidder, Universal Precast Inc., and

WHEREAS, the total not to exceed cost for the concrete picnic tables is $85,487.81,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the bid for concrete picnic tables to Universal Precast Inc., Redding, CA, for a not to exceed cost of $85,487.81.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to issue a purchase order to Universal Precast Inc., Redding, CA, for the purchase of 188 concrete picnic tables for a not to exceed cost of $85,487.81.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR,
City Clerk

APPROVED AS TO FORM:
By:
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-467

A RESOLUTION CANVASSING THE RESULTS OF THE SEPTEMBER 17, 2002, ELECTION HELD WITHIN THE TERRITORY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 1996-1, AND ORDERING ANNEXATION OF SAID TERRITORY TO THE DISTRICT (VILLAGE ONE - ANNEXATION #9)

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), the City Council (the "Council") of the City of Modesto (the "City"), by its Resolution of Formation No. 96-544, adopted on October 8, 1996, formed its Community Facilities District No. 1996-1 (the "District"), relating to territory within the Village One Area, and, subject to the vote of the qualified electors therein, authorized the levy of a special tax therein, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 1 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 2 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 3 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 4 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 5 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 6 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 7 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 8 to the District, and

WHEREAS, the Council thereafter declared its intention, by its Resolution of Intention to Annex No. 2002-371, adopted August 8, 2002, to annex certain territory to the District, a boundary map for which is recorded in **Volume 3 of Assessors Maps at page 65** in the Office of the Stanislaus County Recorder (the "Annexed Territory"), relating to territory within the Village One Area, and to levy a special tax therein (the "Special Tax") as set forth in **Exhibit "A"** hereto, and by this reference incorporated herein, for the purposes of financing certain facilities and services as set forth in **Exhibit "A"** hereto, and by this reference incorporated herein, and to set a hearing thereon for September 10, 2002, and

WHEREAS, at the conclusion of the public hearing, the Council did, on September 10, 2002, adopt its Resolution No. 2002-443, in which it determined to submit the question of the annexation of territory to the District and the levy of the Special Tax therein to the qualified electors of the Annexed Territory, and called an election thereon, which was held on September 17, 2002, (the "Election"), and

WHEREAS, on September 17, 2002, the Election was held relative to the foregoing, and

WHEREAS, the City Clerk has certified that, at the Election, the proposition of levying the Special Tax within the Annexed Territory was approved by at least two-thirds (2/3) of the votes cast,

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND, by the City Council of the City of Modesto, that:

1. The above recitals are true and correct.

2. The Election was duly and validly conducted in conformity with all applicable laws, rules and regulations pertaining thereto.

3. Based on the City Clerk's certificate of election results, attached hereto as **Exhibit "B"**, the ballot proposition presented to the qualified electors of the Annexed Territory at the Election received at least two-thirds (2/3) of the votes cast.

4. Pursuant to Section 53339.8 of the Act, it is hereby determined that the Annexed Territory is added to and is a part of the District with full legal effect, and that this Council may levy the Special Tax within the Annexed Territory.

5. The City Clerk of the City of Modesto is hereby directed to enter this resolution in the minutes of this City Council, which shall constitute the official declaration of the result of such Election, and is hereby further authorized and directed to record notice of the annexation by filing an amendment to the notice of special tax lien with the Office of the County Recorder for the County of Stanislaus pursuant to Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:
MICHAEL D. MILICH, City Attorney

Exhibit A

COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)

CITY OF MODESTO
STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT

MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

AMENDED APRIL 1997
FOR
ANNEXATION NO. 1

Prepared by:

VAIL ENGINEERING CORPORATION
2033 Howe Ave., Ste. 220
Sacramento, CA 95825
(916) 929-3323
(916) 929-1772 FAX

COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)
PUBLIC REPORT - MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

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COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)

CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT

MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

INTRODUCTION

WHEREAS, City Council of the City of Modesto did, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and specifically Section 53321.5 thereof, expressly order the filing of a written "Report" with the City for a proposed Community Facilities District. This Community Facilities District shall hereinafter be referred to as:

Community Facilities District No. 1996-1 (Village One).

(hereinafter referred to as the "District") and

WHEREAS, the Resolution ordering said "Report" did direct that said "Report" generally contain the following:

(1) A description of the public capital facilities and services proposed for the District;

(2) A general description of the area to be served by said facilities; said areas being the boundaries of the District;

(3) A cost estimate, setting forth the costs and expenses for providing the public facilities and services to the properties within the boundaries of the District and the costs of any incidental expenses to be paid by the District;

(4) The rate and method of apportionment of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the annual amount of payment;

(5) General Terms and conditions relating to the proceedings.

For particulars, references is made to the Resolution of Intention ordering the report, as previously approved and adopted.

NOW, THEREFORE, I, Jerry L. Slinkard, P.E., authorized representative for Vail Engineering Corporation, the appointed responsible officer or person directed to prepare the Report, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, do hereby submit the following data:

COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)
CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

I. DESCRIPTION OF FACILITIES

All facilities described herein are as presented in the *Village One Facilities Master Plan* adopted June 1996. Said master plan is incorporated herein by reference. The following descriptions summarize the facilities to be funded within the CFD 1996-1.

A. ARTERIAL ROADS

The circulation plan for Village One consists of six major streets (four arterials and two expressways). For the purpose of this document, all six roadways are referred to as arterial roads. Urban interchanges are not included in the *Village One Finance Plan*. It is anticipated that subsequent updates to the Capital Facilities Fee Program will include urban interchanges. Refer to the Facilities Master Plan for right-of-way widths along arterial roads. The arterial roads are:

- Claus Road (Expressway): Briggsmore to AT and SF railroad, widen to six-lane expressway.
- Briggsmore (Expressway): Oakdale Road to Claus Road, widen to six-lane expressway.
- Sylvan Avenue: Oakdale Road to Roselle Avenue, widen to six lanes; Roselle Avenue to Clause Road, widen to four lanes plus bike lanes.
- Floyd Avenue: Oakdale Road to Claus Road, widen to four lanes plus bike lanes and parking.
- Oakdale Road: Briggsmore to Sylvan, widen to six lanes.
- Roselle Avenue: Briggsmore to Sylvan, widen to four lanes plus bike lanes.

B. STORM DRAINAGE SYSTEM

The storm drainage system for Village One consists of three basins for detention and retention:

1. **West Basin (9.56 acres):** Retention with pump out facilities to Central Basin.

2. **Central Basin (15.59):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

3. **Industrial Basin (8 acres):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

The facilities to be funded in CFD 1996-1 include: basins, land for basins, trunk gravity, drainage pipes in sizes ranging from 24 inches in diameter to 72 inches in diameter, and force mains. A detailed description and location of facilities is contained in *"Village One Facilities Master Plan"* adopted June 1996 and incorporated herein by reference.

C. UTILITY RELOCATION

The cost of a PG&E high pressure gas main within Claus Road between Briggsmore Avenue and Sylvan Avenue is identified for relocation.

D. PARKS

Three neighborhood parks and one community park will be developed within CFD 1996-1. The development of the parks will include the acquisition of land, park improvements, and street frontage improvements for:

Community Park	39 acres
Roselle Neighborhood Park	7 acres
Claus Neighborhood Park	7 acres
Merle Neighborhood Park	8 acres

In addition, 21.3 acres of buffer land for the community park is to be acquired, a bike trail is to be developed along M.I.D. Lateral No. 3, and a trail is to be developed along Claus Road.

E. PUBLIC FACILITIES

An area office for police is proposed within Village One. Funds are provided within CFD 1996-1 for tenant improvements necessary to set up an area office.

F. OTHER

Other costs associated with Village One include reimbursement to the City of Modesto for engineering of the Facilities Master Plan and planning related to the *Village One Specific Plan*, future annual administration costs for the CFD, and community signage for Village One.

G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET PARKWAYS*

The City will maintain the community park, Roselle Park, Claus Park, Merle Park, and arterial road parkways landscaping in a "good standard of maintenance" as defined by the Parks Department. M.I.D. Trail and Claus Trail will be maintained as Class I trails.

**Street parkways includes median and roadside landscape and hardscape.*

II. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT ANNEXATION NO. 1

The maps located at the end of the report includes land within Village One that will be annexed to and contained within Community Facilities District 1996-1 (Village One) Annexation No. 1.

III. COST ESTIMATES

A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX

The capital costs for CFD 1996-1 (Village One) Annexation No. 1 amended April, 1997, as estimated in the *Village One Facilities Master Plan* adopted June 1996, and as shown on page 28 of the *Village One Finance Plan*, is $48,457,856. This figure is based upon 1996 costs as set forth in the adopted Facilities Master Plan for Village One. These costs are subject to an annual inflation adjustment based upon the Engineering News Record Cost Index for the San Francisco region. A breakdown of these costs are as follows:

Arterial Roads	$20,509,278
Storm Drainage	$13,240,470
Utility Relocation	$1,120,458
Parks	$10,863,967
Public Facilities	$25,000
Other	$2,698,683
Subtotal:	$48,457,856
Annual CFD Administration (1%)	$484,579

In addition to the capital costs, an annual cost to administer the CFD is estimated at 1% of the capitol costs, or $484,579 over the life of the district.

Total district with administration is: $48,942,435

B. OPERATIONS AND MAINTENANCE COSTS FOR MAINTENANCE SPECIAL TAX

Estimated annual cost to the CFD at full buildout of Village One in 1996 dollars to provide operations and maintenance (O&M) of parks, street/parkway, and pathways (including landscaping) is $850,000. A breakdown of these annual O&M costs are:

- Annual maintenance cost at buildout in 1996 dollars:

Community Park and three (3) neighborhood parks		$149,073
Street/Parkways: *1,500,000 sq. ft. x $0.417 / sq. ft.*		$625,500
Pathway Landscaping: Subtotal Paths		$44,965
Class I:	*17,889 / 5,280 x $4,020 =*	*$13,560*
Class II:	*82,388 / 5,280 x $1,500 =*	*$23,405*
Class III:	*84,480 / 5,280 x $500 =*	*$8,000*
		$44,965
Weed and Litter Abatement		$4,251
Misc. Annual Admin/Cont. (3%)		$26,211
	Total Annual Cost:	$850,000

- *Total annual costs at "good" standard for all neighborhood and community parks in 1996 dollars is $708,676. The amount attributed to the Village One CFD is $149,073.*

IV. RATE AND METHOD *(By David Taussig and Associates)*

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1996-1 (herein "CFD No. 1996-1") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1996-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1996-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, or other recorded County parcel map.

"Annual Maintenance Special Tax" means a Special Tax levied in any Fiscal Year to pay for the operations and maintenance of parks, street landscaping pathways, weed and litter abatement, and miscellaneous annual administrative and contractual costs.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the County Assessor of the County of Stanislaus designating parcels by Assessor's Parcel Number.

"City" means the City of Modesto.

"City Manager" means the City Manager of the City of Modesto.

"Commercial Property" means all Parcels of Developed Property for which a building permit has been issued for a commercial establishment which sells general merchandise, hard goods, personal and professional services, and other items directly to consumers, including but not limited to travel agencies, hardware stores, food stores, automotive dealers, service stations, home furnishing stores,

restaurants, banks, repair shops, movie theaters, day care centers, and art galleries. In addition, all professional office space, including company headquarters, medical office buildings, and other such buildings, will be defined as Commercial Property.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1996-1.

"Developed Property" means, in any Fiscal Year, all Taxable Property for which a building permit for new construction was issued prior to March 1 of the preceding Fiscal Year or for which a Final Subdivision Map was recorded prior to March 1 of the preceding Fiscal Year creating individual lots for which a building permit may be issued without further subdivision.

"Facilities Special Tax" means a Special Tax levied in any Fiscal Year to pay for public facilities authorized to be funded by CFD No. 1996-1, including appurtenant expenses such as planning, design, engineering, inspection and financing costs.

"Final Subdivision Map" means a final subdivision map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) that creates individual lots for which building permits may be issued. The term "Final Subdivision Map" shall not include any Assessor's Parcel Map or subdivision map or portion thereof, that does not create individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Gross Acreage" means, for Developed Property, the total acreage within the Final Subdivision Map or Parcel map less arterial road right-of-ways (as defined and identified in the *Village One Specific Plan* #8, the *Village One Financing Plan* and *CFD Public Report*) and property that is identified in the Final Subdivision Map for use as a park site, school site, or storm drainage basin. For Undeveloped Property, Gross Acreage means the acreage identified on the Assessor's Map.

"Industrial Property" means all Parcels of Developed Property for which a building permit has been issued for a non-residential structure that is not Commercial Property.

"Land Use Class" means any of the five classes listed in Table 1 and Table 2 below

"**Maintenance Special Tax Requirement**" means the amount necessary in any Fiscal Year (I) to pay for authorized maintenance expenses, (ii) to pay administrative expenses of CFD No. 1996-1, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

"**Maximum Special Tax**" means the maximum Special Tax, determined in accordance with Section C below, that can be levied by the City in any Fiscal Year on Taxable Property.

"**Multi-Family Residential**" means any residential structure consisting of two or more residential units that share common walls including, but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, apartment units, including senior housing that fits within the aforementioned description.

"**Other Property**" means any Parcel of Developed Property for which a building permit has been issued for a use other than Very Low Density Residential, Village Residential, Multi-Family Residential, Commercial or Industrial Property.

"**Other Undeveloped Property**" means all Taxable Property that is not classified as Developed Property, Undeveloped Commercial Property, Undeveloped Industrial Property or Undeveloped Residential Property.

"**Public Agency**" means the federal government, State of California or other local governments or public agencies.

"**Subdivided Property**" means all Parcels which, after recordation of a Final Subdivision Map, are in their final configuration and for which building permits may be issued. Subdivided Property shall not include any Assessor's Parcels that are not individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

"**Undeveloped Commercial Property**" means any Parcel that is not Developed Property that is anticipated to be developed as Commercial Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"**Undeveloped Industrial Property**" means any Parcel that is not Developed Property that is anticipated to be developed as Industrial Property, as determined first by

reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"Undeveloped Residential Property" means any Parcel that is not Developed Property that is anticipated to be further subdivided and developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"Very Low Density Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre.

"Village One Facilities Master Plan" means the facilities master plan for development Village One adopted in June 1996, and as may be amended in the future.

"Village One Specific Plan" means the Specific Plan for development in Village One of the City of Modesto, as adopted by the City Council and as amended in future years.

"Village Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre.

B. ASSIGNMENT TO LAND USE CLASS

After issuance of a building permit and prior to final building permit inspection or issuance of a certificate of occupancy for a Parcel in CFD No. 1996-1, the Parcel shall be assigned to the appropriate Land Use Class based upon the land use and density proposed for the Parcel. For Multi-Family Residential Property, the number of residential units shall be determined by referencing the condominium plan, apartment plan, site plan or other development plan. If the Parcel is designated as Other Property, the City or its designee shall identify the appropriate Land Use Class for purposes of calculating the Maximum Special Tax by determining the land use that was anticipated for the Parcel based on reference to the current *Village One Specific Plan*. Determination of the appropriate Land Use Class shall be at the sole discretion of the City.

C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

a) Very Low Density Residential Property and Village Residential Property

Prior to recordation of each Final Map for property in CFD No. 1996-1, the City or its designee shall determine the Gross Acreage included within the Final Map and, for Very Low Density Residential Property and Village Residential Property, shall apply the following steps to determine the actual Maximum Special Tax that will apply to each unit within the Final Map:

Step 1: Determine if there is a portion of the Final Subdivision Map acreage that is not Subdivided Property, as defined in Section A above. Calculate the Gross Acreage associated with such unsubdivided Parcels by identifying the acreage of the Parcel and (I) adding all or a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way to either: 1) the centerline, if acreage within the final map fronts on both sides of the non-arterial road or, 2) the opposite right-of-way line if there is no fronting acreage within the final map or on the opposite side of the non-arterial road, and (ii) subtracting of the acreage of any arterial right-of-way included in the final map.

Step 2: Identify the Land Use Class that applies to all Parcels of Subdivided Property within the Final Subdivision Map.

Step 3: Determine the Gross Acreage of all Subdivided Property included within the Final Subdivision Map. If more than one Land Use Class is represented within the Final Subdivision Map, distribute the Gross Acreage of all Subdivided Property to each Land Use Class.

Step 4: Multiply the Gross Acreage for each Land Use Class determined in Step 3 by the Facilities Special Tax identified for each Land Use Class in Table 1 below.

Step 5: Separately for each Land Use Class identified in the Final Subdivision Map, divide the product determined in Step 4 by the number of residential units within that Land Use Class as reflected in the Final Subdivision Map.

Step 6: Multiply the quotient(s) determined in Step 5 by 1.01 to calculate the Facilities Special Tax per residential unit that shall be collected prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

b) Multi-Family Residential Property, Commercial Property, and Industrial Property

The Maximum Facilities Special Tax for Multi-Family Residential, Commercial and Industrial Property shall be determined as follows:

Step 1: Determine the Gross Acreage of the Multi-Family Residential, Commercial, or Industrial Property within the Final Subdivision Map. Such determination shall include netting out any property within the Final Subdivision Map that is not Subdivided Property, as set forth in Step 1 of Section C.1.a. above.

Step 2: Multiply the Gross Acreage determined in Step 1 by the Maximum Facilities Special Tax applicable to each Land Use Class as shown in Table 1 below.

Step 3: Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

Table 1
Per-Acre Special Tax to be Used in
Calculation of Maximum Facilities Special Tax
For Annexation Area No. 1
(Fiscal Year 1996-97)

Land Use Class	Description	Per-Acre Special Tax
1	Very Low Density Residential	$19,715 per Gross Acre
2	Village Residential	$29,479 per Gross Acre
3	Multi-Family Residential	$76,394 per Gross Acre
4	Commercial	$86,610 per Gross Acre
5	Industrial	$40,564 per Gross Acre

Beginning in January 1997, the Facilities Special Tax shall be adjusted annually by applying the greater of (I) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Facilities Special Tax shall become effective on the subsequent July 1, and shall apply to all Parcels which have not paid the Facilities Special Tax prior to July 1.

The Facilities Special Tax represents a lien on each Parcel which is anticipated to be released upon payment of the Facilities Special Tax, which is expected to occur no later than final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

2. Maintenance Special Tax

All Taxable Property within this CFD Annexation No. 1 shall be subject to a Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1996-1 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner.

a) Developed Property

The following maximum rates apply to all Parcels of Developed Property within CFD No. 1996-1 for each Fiscal Year in which the Maintenance Special Tax will be levied:

Table 2
Maximum Annual Maintenance Special Tax
(Fiscal Year 1996-97)

Land Use Class	Description	Maximum Annual Maintenance Special Tax
1	Very Low Density Residential	$112.43 per lot
2	Village Residential	$112.43 per lot
3	Multi-Family Residential	$ 72.99 per unit
4	Commercial	$394.30 per Gross Acre
5	Industrial	$394.30 per Gross Acre

Beginning in January 1997, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the greater of (I) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

b) Undeveloped Property

Undeveloped Residential Property:

The maximum Annual Maintenance Special Tax for each Parcel of Residential Undeveloped Property shall be determined as follows:

Step 1: Determine whether the Parcel will be developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property determined by reference to the *Village One Specific Plan.*

Step 2: Multiply the average density for the Parcel's Land Use Class as determined in Step 1 by the Gross Acreage of the Parcel to determine the average number of units that could be built on the Parcel. The average density for each Land Use Class shall be determined based on reference to the *Village One Specific Plan*.

Step 3: Multiply the average number of units for the Parcel as determined in Step 2 by the maximum Annual Maintenance Special Tax for the appropriate Land Use Class, as determined by reference to Table 2.

Step 4: Multiply the figure calculated in Step 3 by 0.50 to determine the total Maintenance Special Tax to be levied on the Parcel.

Undeveloped Commercial and Undeveloped Industrial Property:

The maximum annual Maintenance Special Tax that can be levied on Undeveloped Commercial and Undeveloped Industrial Property is the same as those rates identified in Table 2 above for Developed Commercial or Industrial Property.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

The Facilities Special Tax shall be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction for any residential or non-residential structure within CFD No. 1996-1 and shall be immediately delinquent if not so paid.

2. Maintenance Special Tax

Commencing with Fiscal Year 1997-98 and for each following Fiscal Year, the City or its designee shall determine the Maintenance Special Tax Requirement to be collected from Taxable Property in CFD No. 1996-1 in the Fiscal Year. The Maintenance Special Tax shall then be levied as follows:

Step 1: Calculate the total Maintenance Special Tax revenues that could be collected from Developed and Undeveloped Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C above.

Step 2: Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.

Step 3: If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Maintenance Special Tax determined pursuant to Section C on all Developed and Undeveloped Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.

Step 4: Levy the maximum Annual Maintenance Special Tax against all Parcels of Developed Property. Subtract the amount generated from Developed Property from the Maintenance Special Tax Requirement, and levy a Maintenance Special Tax on all Parcels of Undeveloped Residential, Undeveloped Commercial and Undeveloped Industrial Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax for Undeveloped Property determined pursuant to Section C.2.b. above.

The Annual Maintenance Special Tax for CFD No. 1996-1 shall be colleded in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1996-1 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes.

E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

F. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

V. GENERAL TERMS AND CONDITIONS

A. SUBSTITUTION FACILITIES

The description of the general capital facilities, as set forth herein and as shown in the Facilities Master Plan, are conceptual in their nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans may show substitutes, in lieu or modifications to the proposed work in order to accomplish the work of improvement, and any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in this report.

B. APPEALS AND INTERPRETATION PROCEDURE

Any landowner or resident who feels that the amount of formula of the special tax is in error may file a notice with the legislative body appealing the levy of the special tax. An appeals panel of three members, as appointed by the legislative body, will then meet and promptly review the appeal, and if necessary, meet with the applicant. If the findings of the Appeals Board verify that the tax should be modified or changed, a recommendation at that time will be made to the legislative body, as appropriate, the special tax levy shall be corrected, and if applicable, in any case, a refund shall be granted.

Interpretations may be made by the legislative body by Resolution for purposes of clarifying any vagueness or ambiguity as it relates to any category, zone, rate or definition applicable to these proceedings.

C. ADMINISTRATION OF FUNDS

1. Facilities Fund

All funds received from the payment of the one-time facilities special tax shall be maintained in a single facilities fund account. This account shall apportion the funds into the facilities categories as shown on page 43 of the "City of Modesto Village One Finance Plan" as adopted by the City Council in Resolution No. 96-463 dated August 13, 1996, or as said ordinance may be amended. The City has full discretion in the use of the funds for all authorized facilities within this pooled account. Accounting of the fund shall

track the use of funds to insure the ultimate distribution of funds at buildout are as proportioned in said Ordinance 96-463.

2. **Maintenance Fund**

All annual maintenance special taxes shall be maintained in a single account. Funds shall be utilized at the discretion of the City to fund authorized maintenance and administration services.

VI. CERTIFICATION

It is my opinion that the special tax rate and method of apportionment, as set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

Jerry L. Slinkard
Vail Engineering Corporation

Date

Exhibit B

EXHIBIT B

CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2002-443, the Resolution calling for the Election, adopted on September 10, 2002, by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No 1996-1(9) on September 17, 2002, and that the election was conducted by mail or in person at the City Hall of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

Proposition A. Shall a special tax with a maximum rate, method of apportionment, and manner of collection as established in the Resolution of Formation adopted at a public hearing held by the City Council of the City of Modesto on September 10, 2002, be levied within the territory proposed to be annexed to Community Facilities District No. 1996-1(9) for the purposes of financing certain public facilities and services as provided in the Resolution.

TOTAL VOTES CAST: YES 28 NO 0

Dated: September 18, 2002

Jean Zahr

JEAN ZAHR
City Clerk of the City of Modesto

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-468

A RESOLUTION ACCEPTING THE BID OF CLAYBORN CONTRACTING GROUP FOR THE PROJECT TITLED "STREET LIGHTING CIRCUIT REPLACEMENT (ROSEBURG AREA) – CITY"

WHEREAS, the bids received for the Street Lighting Circuit Replacement – Roseburg Area were opened at 11:00 a.m. on August 20, 2002, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $92,427 received from Clayborn Contracting Group be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $92,427 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM
BY: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-469

A RESOLUTION ACCEPTING THE PROJECT TITLED "TRAFFIC SIGNAL AT DALE ROAD AND PELANDALE AVENUE" AS COMPLETE

WHEREAS, a contract was awarded to Tennyson Electric, Inc., for construction of the project titled Traffic Signal at Dale Road and Pelandale Avenue on February 15, 2000, and

WHEREAS, work began on the project on March 22, 2000, and

WHEREAS, Tennyson Electric, Inc., in the performance of the work, did not utilize their listed Disadvantaged Business Enterprise (DBE) subcontractor as required by the contract, and

WHEREAS, a penalty of $12,200 has been levied against the contractor for its failure to comply with the contract requirements, and

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Traffic Signal at Dale Road and Pelandale Avenue has been completed by Tennyson Electric, Inc., and that a penalty has been levied for its failure to comply with the contract specification requirements,

NOW, THEREFORE, BE IT RESOLVED that the Traffic Signal at Dale Road and Pelandale Avenue be accepted from said contractor, Tennyson Electric, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of the total amounts due of $96,942, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-470

A RESOLUTION APPROVING A SECOND AMENDMENT TO AGREEMENT WITH DOKKEN ENGINEERING FOR PROFESSIONAL DESIGN SERVICES FOR REPLACEMENT OF THE 9TH STREET BRIDGE OVER TUOLUMNE RIVER TO PROCESS CEQA CLEARANCE AS A MITIGATED NEGATIVE DECLARATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT TO AGREEMENT

WHEREAS, on April 13, 1999, the CITY and CONSULTANT entered into an Agreement for design services for REPLACEMENT OF THE 9TH STREET BRIDGE OVER TUOLUMNE RIVER, and

WHEREAS, Resolution No. 2000-113 approved the Initial Study relating to the Ninth Street Bridge Seismic Safety Replacement Project, and made a finding that the project is within the scope of the urban area general plan covered by a Master Environmental Impact Report (EIR)(SCH 92052017), and

WHEREAS, the City Attorney's Office recommends the preparation of documents so as to process the Ninth Street Bridge Replacement Project as a Mitigated Negative Declaration and the completion of the CEQA process, and

WHEREAS, CONSULTANT represents that it is qualified, willing, and able to provide the additional services to prepare said Mitigated Negative Declaration within the required time,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a second amendment to the contract with Dokken Engineering in the not-to-exceed amount of $11,414.41 to process CEQA (California Environmental Quality Act) clearance as a mitigated negative declaration.

BE IT FURTHER RESOLVED that the execution of said amendment by the City Manager or his authorized designee is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-471

A RESOLUTION APPROVING THE ISSUANCE OF A REQUEST FOR BIDS FOR A TYPE III (WILDLAND) ENGINE AT THE ESTIMATED COST OF $60,000.00.

WHEREAS, the Type III vehicle will be used for vegetation fires, and

WHEREAS, the Type III vehicle will be used to replace an existing International vehicle which has been converted to a quasi-Type III vehicle, and

WHEREAS, the converted quasi-Type III vehicle no longer meets Department of Transportation requirements for this type of vehicle, and

WHEREAS, the anticipated cost of the Type III vehicle will be approximately $60,000.00, and

WHEREAS, by soliciting competitive bids for the Type III vehicle, the Fire Department will comply with the Modesto Municipal Code, Section 8-3.203, regarding formal bid procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the formal solicitation of bids for a Type III vehicle is hereby approved as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for a Type III vehicle to be opened in the office of the City Clerk, 1010 10TH Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

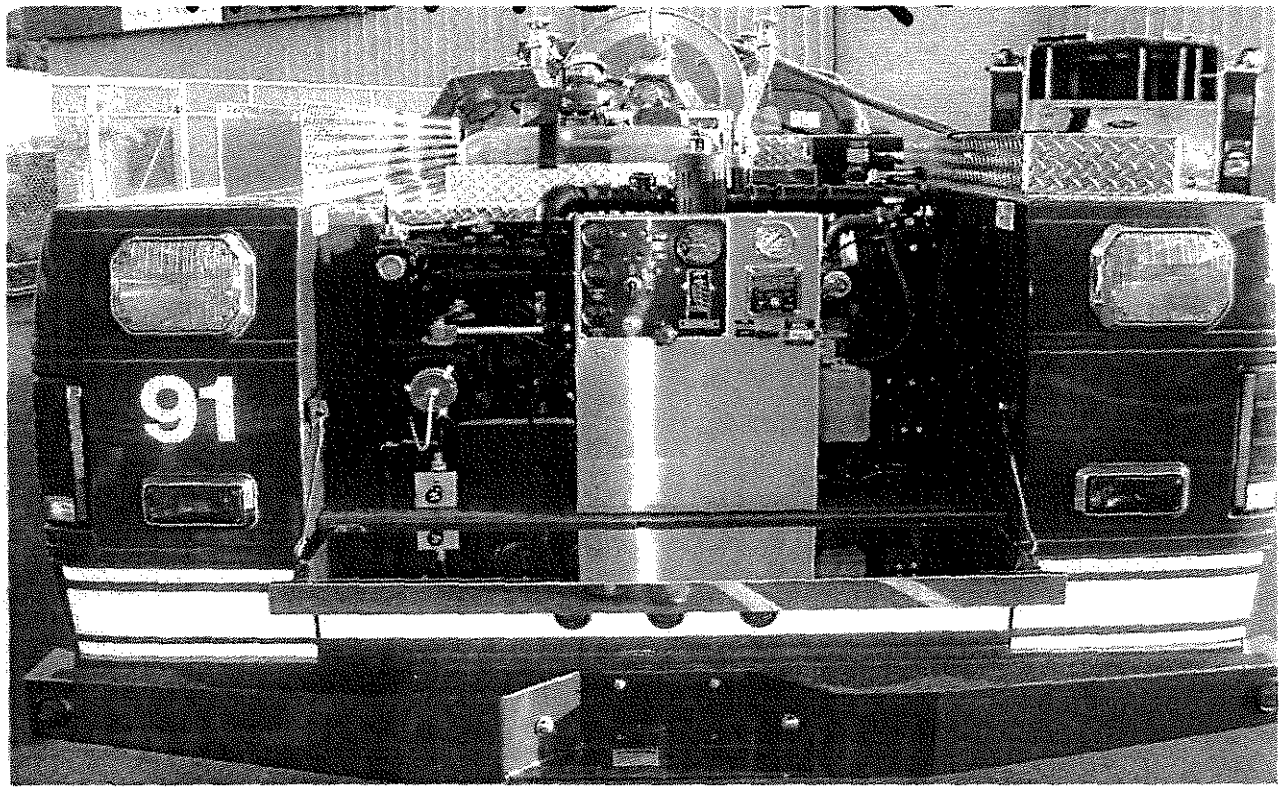
ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
Michael D. Milich, City Attorney

Attachment A

Attachment B



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MODESTO CITY COUNCIL
RESOLUTION NO. 2002 – 472

A RESOLUTION AMENDING THE BUDGET TO CHANGE THE NAME OF AIRPORT PROJECT N020 FROM RUNWAY PAVEMENT EVALUATION TO AIRPORT PAVEMENT EVALUATION AND RECONSTRUCTION, AND APPROPRIATE AN ADDITIONAL $783,833TO 6320 440 N020

WHEREAS, the Modesto City Council approved a project titled N020 Runway Pavement Evaluation in December 2001 with a budget of $49,500, and

WHEREAS, the City submitted an Airport Improvement Program (AIP) application to the Federal Aviation Administration (FAA), which included a funding request for the pavement reconstruction in January 2002, and

WHEREAS, Shutt Moen Associates, airport engineers retained by the City, recently completed the pavement evaluation and have determined that RW10L/28R is in need of rehabilitation as well as portions of the air carrier apron, and have recommended that TW-A be seal coated to extend the useful life of its surface, and

WHEREAS, City staff has received notice from the FAA that federal funding in the amount of approximately $750,000 has been programmed for airport pavement repairs and runway reconstruction improvements, and

WHEREAS, the City's local match is to be provided by the airport's Passenger Facility Charge and aircraft taxes collected in FY 2002 from aircraft owners that relocated their aircraft from Santa Clara County,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby amends the FY 2002-03 budget to change the name of Project N020 from Runway Pavement Evaluation to Airport Pavement Evaluation and Reconstruction.

BE IT FURTHER RESOLVED, that the budget is increased to appropriate an additional $783,833 to account 6320 440 N020 bringing the current budget for the project to $833,333, and anticipating that additional federal funds will be appropriated to the project in FY 2003.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002 by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 – 473

A RESOLUTION APPROVING AN AGREEMENT WITH SHUTT MOEN ASSOCIATES IN THE AMOUNT OF $72,000 FOR THE ENGINEERING DESIGN OF THE AIRPORT'S PAVEMENT RECONSTRUCTION FOR RW10L/28R, PORTIONS OF THE AIR CARRIER APRON AND SEAL COATING TW – A AND TAXIWAYS CONNECTING TW –A WITH RW10L/28R AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNATED REPRESENTATIVE TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

WHEREAS, Modesto City-County Airport has a project planned and partially budgeted to reconstruct the pavement of RW10L/28R, portions of the air carrier apron and seal coating TW – A, the parallel taxiway for RW10L/28R, and

WHEREAS, the project is an Airport Improvement Program project, and it requires plans and specifications that require the Federal Aviation Administration (FAA) approval before construction can commence, and

WHEREAS, Shutt Moen Associates is an airport engineering firm with a professional staff recognized by the FAA for its quality project design work for airport projects, and

WHEREAS, airport staff has negotiated a contract for the project design that staff finds acceptable as it is within the allowable percentage of total projects in accordance with FAA directives, and

WHEREAS, Shutt Moen was involved in the airport pavement assessment study, and staff believes using Shutt Moen to design the pavement reconstruction is in the best interests of the City,

protocols for testing methods including the need for special laboratory certification and reporting requirements, and

WHEREAS, some of the general testing requirements can be performed in house at the City's Water Quality Control Laboratory, and

WHEREAS, all other testing will be assigned to various commercial laboratories based on special laboratory certifications, fields of expertise, availability and cost effectiveness of series testing, and

WHEREAS, by Resolution No. 2002-291, Council authorized the solicitation of formal bids for Water Quality Testing Services, and

WHEREAS, the Purchasing Division solicited formal bids for Water Quality Testing Services from ten (10) vendors with five (5) vendors choosing to respond to the Request for Bid (RFB), and

WHEREAS, staff recommends that the City award the bid for Water Quality Testing Services to a primary vendor, with a second, third, fourth and fifth vendor being used as backups, in the event the primary vendor cannot perform the required testing services within the given time frames, is not licensed to perform the specific testing required, or is less cost effective for the testing series, and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby awards the bid for Water Quality Testing Services to the following vendors in order of award: 1) BSK Labs, Fresno, CA, 2) Sequoia Analytical, Morgan Hill, CA, 3) FGL Environmental, Stockton, CA, 4) GeoAnalytical Laboratories Inc., Modesto, CA, 5) JL Analytical Services, Modesto, CA, for a combined approximate annual cost of $350,000.00.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to issue price agreements for a three (3) year period to BSK Laboratories, Sequoia Analytical, FGL Environmental, GeoAnalytical Laboratories Inc., and JL Analytical Services, with the option of two (2) one-year contract extensions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By _____
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-475

A RESOLUTION APPROVING THE CITY OF MODESTO CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR FISCAL YEAR 2001-2002, AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD), and

WHEREAS, the Consolidated Annual Performance and Evaluation Report (CAPER) reflects the activity of the City and its sub-recipients for the period of July 1, 2001, through June 30, 2002, and

WHEREAS, each year the City must review and report on the performance of activities funded under the Community Development Block Grant, HOME, and Emergency Shelter Grant Programs, and

WHEREAS, the CAPER must be made available for public review and comment for a minimum 15-day period, and

WHEREAS, a public comment period was held from September 8, 2002 through September 24, 2002, and

WHEREAS, all public comments, and staff responses to these comments, must be presented to the City Council for review and approval, and

WHEREAS, the Citizens Housing and Community Development Committee met on September 20, 2002, and reviewed and approved the CAPER, and

WHEREAS, a duly noticed public hearing was held by the Council on September 24, 2002, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010Tenth Street, Modesto, California, to consider approval of the CAPER,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. That the Consolidated Annual Performance and Evaluation Report for Fiscal Year 2001-02 is hereby approved subject to any correction for accuracy being made by the City Manager, and a copy of said Report is on file in the office of the City Clerk.

2. That the City Manager, or his authorized designee, is hereby authorized, after having made any necessary correction, to submit said report to the U.S. Department of Housing and Urban Development (HUD).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-476

A RESOLUTION APPROVING SELECTION OF THE AUDIT FIRM TO PERFORM AUDITS OF THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICTS, AND AUTHORIZING NEGOTIATION OF A CONTRACT FOR THESE SERVICES, SUBJECT TO COUNCIL APPROVAL.

WHEREAS, the City Council, on June 11, 2002, directed the City Manager, with assistance from the City Clerk & Auditor, to obtain proposals for audits of the City of Modesto Community Facilities Districts, and

WHEREAS, the Audit Committee has been designated as the committee under whose supervision and oversight the audits will be conducted, and

WHEREAS, the Audit Committee has received five responses to its Requests for Proposals for these audit services, and

WHEREAS, the Audit Committee has interviewed the two audit firms best qualified, in its judgment, to perform these audit services, and

WHEREAS, the Audit Committee has recommended Vavrinek, Trine, Day & Co, LLP, as the audit firm best qualified to perform these audit services at the lowest cost,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Audit Committee, with assistance from the City Manager's staff and the City Clerk & Auditor's staff, to negotiate a contract with the above named audit firm for these audit services, and to return the contract to the Council for final approval at the earliest feasible date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Frohman, Jackman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY: Michael Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-477

A RESOLUTION APPROVING A PURCHASE AGREEMENT WITH DANO CONSTRUCTION FOR APPROXIMATELY 5.5 ACRES (APN 034-15-01, 034-15-02 AND 034-18-03) FOR USE AS A TRAILHEAD AND SCENIC OVERLOOK, CONTINGENT ON CITY ACCEPTANCE OF THE REQUIRED ENVIRONMENTAL REPORTS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL PURCHASE DOCUMENTS.

WHEREAS, the City desires to purchase approximately 5.5 acres of property located on Scenic Drive abutting Dry Creek for use as a trailhead and scenic overlook, and

WHEREAS, Dan Monterosso (Dano Construction) owns parcels known as APN 034-15-01, 034-15-02 AND 034-18-03, and

WHEREAS, Dan Monterosso has agreed to sell these parcels to the City for a total purchase price of $1,050,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a Purchase Agreement with Dano Construction for approximately 5.5 acres (APN 034-15-01, 034-15-02 and 034-15-03) for use as a trailhead and scenic overlook, contingent on City acceptance of the required environmental reports.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the purchase agreement and any related documents necessary to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Mayor Sabatino
NOES:	Councilmembers:	Conrad, Keating, O'Bryant
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-478

Print

A RESOLUTION AMENDING THE FISCAL YEAR 2002-03 CAPITAL IMPROVEMENT PROGRAM BUDGET TO: A) ESTABLISH A NEW CIP PROJECT IN FUND 1400 TITLED "SCENIC AVENUE TRAILHEAD"; B) AMEND PROJECT 1430-310-3122 TO ELIMINATE THE DEVELOPMENT OF THE PEGGY MENSINGER TRAIL TRAILHEAD IN THE DESCRIPTION; C) RE-PROGRAM $182,000 FROM PROJECT 1430-310-3122 TO THE NEW CIP PROJECT; AND, D) TRANSFER $895,600 FROM THE GENERAL FUND RESERVE TO THE NEW CIP PROJECT, IN THE FORM OF A LOAN TO BE RE-PAID FROM FUTURE LOCAL TRANSPORTATION, NON-MOTORIZED, FUNDS AND AIR QUALITY CAPITAL FACILITIES FEES.

WHEREAS, the City desires to purchase approximately 5.5 acres of property located on Scenic Drive abutting Dry Creek for use as a trailhead and scenic overlook, and

WHEREAS, Dan Monterosso (Dano Construction) owns parcels known as APN 034-15-01, 034-15-02 AND 034-18-03, and

WHEREAS, Dan Monterosso has agreed to sell these parcels to the City for a total purchase price of $1,050,000, and

WHEREAS, an additional $20,000 is needed for closing costs, and $7,600 is needed for an environmental study, and

WHEREAS, in order to provide funding for this acquisition, a new Capital Improvement Program (CIP) project needs to be established, and

WHEREAS, $182,000 is available in CIP project 1430-310-3122, Non-Motorized Trail System Improvements, previously identified for the Peggy Mensinger Trail, and

WHEREAS, the balance of $895,600 will be provided from 0100-800-8000-8003, General Fund Reserve, as a loan to be re-paid from future Fund 1430 funds (Air Quality Capital Facilities Fees) and future Fund 0520 funds (Local Transportation Fund, Non-Motorized),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby amends the Fiscal Year 2002-03 Capital Improvement Program budget to: a) establish a new CIP project in Fund 1400 titled "Scenic Avenue Trailhead"; b) amend project 1430-310-3122 to eliminate the development of the Peggy Mensinger Trail trailhead in the description; c) re-program $182,000 from project 1430-310-3122 to the new CIP project; and d) transfer $895,600 from the General Fund Reserve to the new CIP project, in the form of a loan to be re-paid from future Local Transportation, Non-Motorized, and Air Quality Capital Facilities Fees funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Mayor Sabatino
NOES:	Councilmembers:	Conrad, Keating, O'Bryant
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-479

A RESOLUTION APPOINTING SEVEN HIGH SCHOOL STUDENTS TO THE MODESTO YOUTH COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, as authorized by Resolution No. 89-443, principals from the High Schools within the City Limits of the City of Modesto have recommended students to serve as Modesto Youth Commissioners,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Seven Modesto area high school students are hereby appointed to the Modesto Youth Commission, with a two year term limit, as follows:

Beyer High School
Junior Daniel Thompson
Central Catholic High School
Junior Joseph Speaker
Davis High School
Junior Jennica Dinnell
Downey High School
Junior Jerad Prasad
Johansen High School
Junior Jesse Dashe
Modesto Christian School
Junior Connor Pearce
Modesto High School
Junior Okon Harris

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Modesto Youth Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-480

A RESOLUTION APPOINTING MEMBERS TO THE AD HOC HOUSING ELEMENT ADVISORY COMMITTEE

WHEREAS, the City of Modesto adopted the Urban Area General Plan on August 15, 1995, by Resolution No. 95-409, in accordance with State of California Government Code Section 65302, and

WHEREAS, the State of California Government Code Section 65302 requires the inclusion of a Housing Element (as provided in Government Code Section 65580 et seq.) as part of the City's General Plan, and

WHEREAS, the State of California Government Code Section 65588 (e) (6) requires the City of Modesto to revise and update its Housing Element by December 31, 2003, and

WHEREAS, the revision to and update of the Housing Element will address many issues, including identifying existing and projected housing needs, identifying appropriate resources to address housing needs, identifying existing and proposed housing programs, identifying appropriate economic and job development goals and strategies, and

WHEREAS, many interested parties in the community are interested and concerned in addressing the housing challenges and opportunities in the City, and

WHEREAS, the State of California requires that the City provide opportunities for public participation during the housing element update process, and

WHEREAS, the Planning Commission, the Citizens Housing and Community Development Committee, and the Citizens Redevelopment Advisory Committee each are involved in carrying-out housing policy for the City of Modesto, and

WHEREAS, a joint advisory body consisting of representatives from diverse housing policy advisory committees can provide a recommendation for a comprehensive housing policy, and

WHEREAS, the Housing Element Advisory Committee was established by the City Council on September 3, 2002, to facilitate the update of the Housing Element of the Urban Area General Plan and serve only during this process,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Housing Element Advisory Committee shall consists of the following persons:

1. Mr. Ray Feller, Planning Commissioner
2. Mr. Chris Harrigfield, Committee member of the Citizens Housing and Community Development Committee
3. Mr. Lee Hedgepeth, Citizens Redevelopment Advisory Commissioner.
4. Councilmember Fisher from the Economic Development Committee.
5. Councilmember Jackman

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST Jean Zahr
Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:
BY: _____
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-481

A RESOLUTION AUTHORIZING BID AWARD OF VARIABLE FREQUENCY DRIVES (VFD'S) TO WESCO DISTRIBUTION FOR AN ANNUAL COST OF $69,130.00 AND AUTHORIZING A THREE (3) YEAR PRICE AGREEMENT IN THE AMOUNT OF $207,390.00 OVER THE THREE-YEAR PERIOD

WHEREAS, the Operations and Maintenance Department is responsible for maintaining the City water systems, and

WHEREAS, the Operations and Maintenance Department has requested the purchase of variable frequency drives which are used to stabilize water pressure within the water system, and

WHEREAS, the variable frequency drives will be used to replace existing drives which are failing, and

WHEREAS, the estimated annual cost of variable frequency drives will be $69,130.00, and

WHEREAS, the estimated cost for VFD replacement over the course of the three-year price agreement will be $207,390.00, and

WHEREAS, the Modesto Municipal Code, Section 8-3.203 generally requires that all purchases exceeding $50,000.00 for material, equipment, or contractual services to be awarded to the lowest responsible bidder, and

WHEREAS, Industrial Electric submitted the lowest bid, which did not meet City bid specifications and was deemed non-responsive, and

WHEREAS, Wesco Distribution submitted the lowest responsive bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid award of variable frequency drives to Wesco Distribution for an annual cost of $69,130.00 is hereby approved

BE IT FURTHER RESOLVED, that Council hereby authorizes a three (3) year price agreement for variable frequency drives in the estimated amount of $207,390.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Jackman, Keating

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By:
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-482

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO PURCHASE SEVENTEEN (17) USED SEDAN VEHICLES AT WHOLESALE AUCTION FROM VARIOUS COMPANIES FOR AN ESTIMATED COST OF $272,000.00.

WHEREAS, the Operations and Maintenance Department-Fleet Services Division has requested the purchase of seventeen (17) used sedan vehicles, and

WHEREAS, the sedans will replace current vehicles budgeted for replacement, and

WHEREAS, three of the sedans will be used by supervisory staff in the Community Forestry, Fire Prevention and Construction Administration Division, and

WHAREAS, the remaining fourteen (14) sedans will be used by the Modesto Police Department by their investigation and administrative staff, and

WHEREAS, Fleet Services Division staff will attend various wholesale auctions held throughout California, and purchase seventeen sedan vehicles by auction at a cost not to exceed $272,000.00, and

WHEREAS, the Finance Committee at their meeting on August 26, 2002, requested that only critical pieces of equipment and vehicles be forwarded to Council on an individual "as needed" basis, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases exceeding $50,000.00 for materials and equipment of this type to be bid, and

WHEREAS, Modesto Municipal Code Section 8.3-204 (d) allows the Purchasing Supervisor discretion to determine that a process other than the formal bid procedure will result in a procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, the authorization to purchase these used sedans is being made due to the limited window of opportunity for staff to purchase the types of sedans needed at wholesale auctions, and

WHEREAS, vehicles that meet our profile are available in large quantities at wholesale auctions during the months of September through November, and

WHEREAS, by purchasing the sedans at the used wholesale auctions, considerable savings are realized, and

WHEREAS, if the sedans cannot be purchased at the auctions, used vehicles could be purchased at a later date, but at an increased cost,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to issue a purchase order to various companies in a amount not to exceed $272,000.00 for seventeen (17) used sedan vehicles.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Frohman
ABSENT:	Councilmembers:	Jackman, Keating

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By: Michael D. Milich
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-483

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO PURCHASE TWO (2) VAC-CON COMBINATION SEWER & STORM DRAIN CLEANERS FROM MUNICIPAL MAINTENANCE EQUIPMENT OF SACRAMENTO, CALIFORNIA FOR A TOTAL COST OF $464,832.82 AND THREE (3) ELGIN EAGLE F SERIES BROOM SWEEPERS FROM RICKER MACHINERY OF OAKLAND, CALIFORNIA FOR A TOTAL COST OF $540,222.26. (THE GRAND TOTAL COST IS $969,055.08).

WHEREAS, the Operations and Maintenance Department has requested the purchase of two (2) Vac-Con Combination Sewer & Storm Drain Cleaner and three (3) Elgin Eagle F Series Broom Sweepers, and

WHEREAS, City of Modesto Department "Users" Divisions have paid into the Fleet Replacement Fund over the life of the vehicles to fund these replacements, and

WHEREAS, this equipment is being purchased to replace existing vacuum trucks and sweepers, which have become unreliable, costly to keep up, and which have maintenance and repair issues that will incur unacceptable high costs, and

WHEREAS, the (2) Vac-Con units are used by the Wastewater Collections Division to clean and maintain sewer pipes, and

WHEREAS, routine maintenance and repairs performed by these trucks are part of the City's program to comply with the Clean Water Act, and

WHEREAS, the three street sweepers are used by the Street Division, and

WHEREAS, street sweeping operations are part of ongoing efforts to keep Modesto's streets clean and debris free, and

WHEREAS, the sweeping operations also are part of the City's program to comply with the NPDES Permit by keeping road debris out of storm water inlets, and

WHEREAS, the pricing offered to the City for this equipment is based on competitively bid contracts from San Joaquin County and the City of Salinas, and

WHEREAS, by "piggybacking" the San Joaquin and City of Salinas competitively bid pricing contracts the City will conform to MMC 8-3.204 (d),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to issue a purchase order to Municipal Maintenance Equipment of Sacramento, California, for 2 Vac-Con Combination Sewer & Storm Drain Cleaners in the amount of $464,832.82.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to issue a purchase order to Ricker Machinery of Oakland, California, for 3 Elgin F Series Broom Sweepers in the amount of $504,222.26.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Jackman, Keating

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By: _____
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-484

A RESOLUTION AFFIRMING A COMMITMENT TO FUND A PORTION OF A CONTRACT, IN THE AMOUNT OF $5,000, FOR A KEYNOTE SPEAKER FOR THE CELEBRATION OF THE 2003 MARTIN LUTHER KING, JR. HOLIDAY. THE CONTRACT WILL BE BETWEEN THE MODESTO PEACE LIFE CENTER AND DR. MAE JEMISON.

WHEREAS, for many years, the City of Modesto has participated with other community organizations in events that commemorate the life and work of the Reverend Martin Luther King, Jr., and

WHEREAS, the proposed keynote speaker for the 2003 celebration is Dr. Mae Jemison, and

WHEREAS, the Modesto Peace Life Center will enter into a contract with Dr. Jemison, and

WHEREAS, the City has budgeted $5,000 toward the cost of the speaker for this event, and

WHEREAS, the Safety and Communities Committee met on September 4, 2002, and supported the recommendation to commit the budgeted $5,000 toward the Modesto Peace Life Center's contract with Dr. Mae Jemison,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby affirms a commitment to fund a portion of a contract between the Modesto Peace Life Center and Dr. Mae Jemison, in the amount of $5,000, for the celebration of the 2003 Martin Luther King, Jr. holiday.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Jackman, Keating

Attest: _____
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-485

A RESOLUTION GRANTING PERMISSION FOR BETTY FORBES, DAUGHTER OF LAVERNE SHIPMAN, AND HER EXTENDED FAMILY, TO REMAIN IN THE HOME AT 1920 SOMERSET DRIVE WITHOUT LEGAL ACTION AND AUTHORIZING STAFF TO NOTIFY MS. FORBES, IN WRITING, THAT THE EMERGENCY HOME REPAIR LOAN MADE TO MRS. SHIPMAN WILL BE REVIEWED UPON THE LOAN'S MATURITY, DECEMBER 20, 2004.

WHEREAS, in December, 1984, a deferred payment 20-year Emergency Home Repair Loan at 3% interest was made to Mrs. Laverne Shipman for rehabilitation of her home at 1920 Somerset Drive, and

WHEREAS, this loan required owner occupancy, and

WHEREAS, since that time Mrs. Shipman has passed away, and

WHEREAS, her daughter, Betty Forbes, and extended family now occupy the home, and

WHEREAS, staff is recommending that Mrs. Forbes and her family be allowed to remain in the house, and

WHEREAS, staff is further recommending that the loan be reviewed upon its maturity on December 20, 2004, and

WHEREAS, the Housing Rehabilitation Loan Committee met on September 5, 2002, and supported the recommendation to grant permission for Betty Forbes, daughter of Laverne Shipman, and her extended family to remain in the home at 1920 Somerset Drive without legal action and authorizing staff to notify Ms. Forbes, in writing, that the Emergency Home Repair Loan made to Mrs. Shipman will be reviewed upon the loan's maturity, December 20, 2004,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby grants permission for Betty Forbes, daughter of Laverne Shipman, and her extended family to remain in the home at 1920 Somerset Drive without legal action and authorizing staff to notify Ms. Forbes, in writing, that the Emergency Home Repair Loan made to Mrs. Shipman will be reviewed upon the loan's maturity, December 20, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, O'Bryant Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Jackman, Keating

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-486

Print

A RESOLUTION GRANTING PERMISSION FOR CHARLES TITTLE, SON OF GENEVA TITTLE, TO REMAIN IN THE HOME AT 417 YOSEMITE AVENUE WITHOUT LEGAL ACTION AND AUTHORIZING STAFF TO NOTIFY MR. TITTLE, IN WRITING, THAT THE HOUSING MAINTENANCE PROGRAM LOAN MADE TO MRS. TITTLE WILL BE REVIEWED UPON THE LOAN'S MATURITY, MARCH 10, 2006.

WHEREAS, in March 1986, a deferred payment 20-year Housing Maintenance Program Loan at 3% interest was made to Mrs. Geneva Tittle for rehabilitation of her home at 417 Yosemite Avenue, and

WHEREAS, this loan required owner occupancy, and

WHEREAS, since that time Mrs. Tittle has passed away, and

WHEREAS, her son, Charles Tittle, now occupies the home, and

WHEREAS, staff is recommending that Mr. Tittle be allowed to remain in the house, and

WHEREAS, staff is further recommending that the loan be reviewed upon its maturity on March 10, 2006, and

WHEREAS, the Housing Rehabilitation Loan Committee met on September 5, 2002, and supported the recommendation to grant permission for Charles Tittle, son of Geneva Tittle, to remain in the home at 417 Yosemite Avenue without legal action and authorizing staff to notify Mr. Tittle, in writing, that the Housing Maintenance Program Loan made to Mrs. Tittle will be will be reviewed upon the loan's maturity, March 10, 2006,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby grants permission for Charles Tittle, son of Geneva Tittle, to remain in the home at 417 Yosemite Avenue without legal action and authorizing staff to notify Mr. Tittle, in writing, that the Housing Maintenance Program Loan made to Mrs. Tittle will be reviewed upon the loan's maturity, March 10, 2006.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, O'Bryant Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Jackman, Keating

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-487

Print

A RESOLUTION AUTHORIZING STAFF TO SOLICIT REQUESTS FOR QUALIFICATIONS FOR THE ACQUISITION AND IMPLEMENTATION OF A DAY FACILITY FOR HOMELESS INDIVIDUALS IN MODESTO.

WHEREAS, staff has been working with community groups and interested citizens to find resolution to problems associated with homelessness, and

WHEREAS, one of the recommendations is to establish a day facility for homeless individuals, and

WHEREAS, staff now desires to solicit Requests for Qualifications (RFQ's) for the acquisition and implementation of a day facility for homeless individuals, and

WHEREAS, the Safety and Communities Committee met on September 4, 2002, and supported the recommendation to solicit Requests for Qualifications (RFQ's) for the acquisition and implementation of a day facility for homeless individuals,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to solicit Requests for Qualifications (RFQ's) for the acquisition and implementation of a day facility for homeless individuals.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Jackman, Keating

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-488

Print

A RESOLUTION AMENDING THE FISCAL YEAR 2002-03 CAPITAL IMPROVEMENT PROGRAM BUDGET TO ESTABLISH A NEW PROJECT, HOMELESS DAY FACILITY IN FUND 1130 AND TO APPROPRIATE $150,000 FROM 1130-800-8000-8003, CDBG FUND RESERVE TO SAID PROJECT.

WHEREAS, staff has been working with community groups and interested citizens to find resolution to problems associated with homelessness, and

WHEREAS, one of the recommendations is to establish a day facility for homeless individuals, and

WHEREAS, staff now desires to solicit Requests for Qualifications (RFQ's) for the acquisition and implementation of a day facility for homeless individuals, and

WHEREAS, in order to provide funds for the project, a new Capital Improvement Program project needs to be established, and

WHEREAS, previously allocated, but unspent, funding is available in the CDBG Fund Reserve, in the amount of $150,000, and

WHEREAS, the Safety and Communities Committee met on September 4, 2002, and supported the recommendation to solicit Requests for Qualifications (RFQ's) for the acquisition and implementation of a day facility for homeless individuals,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby amends the Capital Improvement Program budget to establish a new project, titled "Homeless Day Facility" in Fund 1130 and appropriate $150,000 from 1130-800-8000-8003, CDBG Fund Reserve to the new project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Jackman, Keating

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-489

Print

A RESOLUTION APPROVING THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS AS THE FIRM TO DEVELOP AN AFFORDABLE HOUSING DEVELOPMENT IN VILLAGE I.

WHEREAS, on April 16, 2002, the Parks, Recreation and Neighborhoods Department issued a Request for Qualifications for an Affordable Housing Development Program for pre-development funding in Village I, and

WHEREAS, one application was submitted by the Housing Authority of the County of Stanislaus ("Housing Authority"), and

WHEREAS, a review committee of staff and members of the Citizens Housing and Community Development Committee interviewed the Housing Authority and agreed unanimously that the Housing Authority and consulting team are well qualified to complete an affordable housing project in Village I, and

WHEREAS, the Citizens Housing and Community Development Committee met on August 23, 2002, and supported the recommendation to approve the Housing Authority of the County of Stanislaus as the firm to develop an affordable housing development in Village I,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Housing Authority of the County of Stanislaus as the firm to develop an affordable housing development in Village I.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, O'Bryant Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, Jackman, Keating

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-490

A RESOLUTION CANCELLING THE NOVEMBER 5, 2002 REGULARLY SCHEDULED CITY COUNCIL MEETING AND SCHEDULING A SPECIAL CITY COUNCIL MEETING ON NOVEMBER 6, 2002.

WHEREAS, the Statewide Gubernatorial Election is scheduled for Tuesday, November 5, 2002 , and

WHEREAS, the City Council has a regularly scheduled City Council meeting on November 5, 2002, and

WHEREAS, Councilmember Conrad requested that the City Council move its meeting date to Wednesday, November 6, 2002,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby cancels its regularly scheduled meeting for November 5, 2002.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby calls a special meeting to be held November 6, 2002 at 5:30 PM in the Tenth Street Place Chambers.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Keating, O'Bryant Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Jackman

Attest: _____
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 –491

Print

A RESOLUTION AUTHORIZING STAFF TO SOLICIT A REQUEST FOR PROPOSALS FOR CAR RENTAL SERVICES AT MODESTO CITY-COUNTY AIRPORT

WHEREAS, it is common practice for car rental concessions to be located in airport passenger terminal, and

WHEREAS, Avis and Hertz have the car rental concessions at Modesto City-County Airport, and their lease agreements have expired and they are operating the concessions on a hold-over clause in their lease, and

WHEREAS, Hertz Car Rental no longer staffs their airport operation as required by their lease, and have only been paying the City the minimum required by their lease to hold their concession counter at Modesto City-County Airport, and

WHEREAS, Avis Car Rental is interested in negotiating a new lease with the City, and

WHEREAS, it is common practice for airports to periodically request proposals from interested car rental companies to do business on airport property, and

WHEREAS, airport staff has received inquiries from other car rental operators about establishing a concession at the Modesto City-County Airport, and

WHEREAS, the Council's Economic Development Committee has reviewed the recommendation to request proposals, and approved the solicitation of RFPs at its meeting on August 12, 2002,

NOW, THEREFORE, BE IT RESOVLED by the Council of the City of Modesto that it hereby authorizes staff to solicit a Request for Proposals from interested car rental operators to provide service at the airport's passenger terminal.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October 2002 by Councilmenber Fisher who moved for its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote.

AYES:	Councilmember:	Conrad, Fisher, Frohman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmember:	None
ABSENT:	Councilmember:	Jackman

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-492

Print

A RESOLUTION AUTHORIZING THE ADDITION OF ONE BUS TO MODESTO AREA EXPRESS ROUTE 25 TO TAKE EFFECT JANUARY 2003.

WHEREAS, the City of Modesto's Strategic Plan includes Strategy III.B.1: "Develop an efficient, well-coordinated, county-wide, multi-modal transportation system", and

WHEREAS, the Modesto Area Express bus service is a critical component of the transportation system, and

WHEREAS, Route 25 is a highly utilized route in need of an additional bus, and

WHEREAS, by a report to the Council dated September 17, 2002, from the Engineering and Transportation Department, City staff recommended the addition of one bus to Route 25, a copy of said report is attached hereto and incorporated herein by reference, and

WHEREAS, this service expansion cost is included in the FY 2003 adopted budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Transit Manager is hereby directed to provide an additional bus on Route 25 effective January 2003.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October 2002 by Councilmember Fisher who moved for its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote.

AYES:	Councilmember:	Conrad, Fisher, Frohman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmember:	None
ABSENT:	Councilmember:	Jackman

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-493

A RESOLUTION INCREASING THE ENGINEERING AND TRANSPORTATION DIRECTOR'S AUTHORITY LEVEL TO ISSUE CHANGE ORDERS BY $85,000 ON THE "NEW POLICE HEADQUARTERS BUILDING – BID PACKAGE NO. 3" PROJECT.

WHEREAS, on December 11, 2001, the City Council awarded a $2,279,820.00 contract to Bollo Construction Incorporated, to renovate the existing Police Headquarters Building at 601 11th Street, and

WHEREAS, the contractor started work on February 4, 2002, and

WHEREAS, by Resolution No. 2002-207, the City Council increased the Director of Engineering and Transportation's change order authority for the project from 8 percent to 19 percent of the original contract price to the amount of $433,186, and

WHEREAS, staff recommends having Bollo Construction Incorporated, install telephone and data cabling, which is in excess of the authority given to the Director of Engineering and Transportation by said resolution, and

WHEREAS, by Resolution No. 2002-429, the City Council appropriated $85,000 to fund the increase for telephone installation, data cabling and other equipment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Engineering and Transportation Director's authority level by $85,000, to allow execution of change orders up to a cumulative total amount of $518,186, for the project entitled "New Police Headquarters Building – Bid Package No. 3".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October 2002 by Councilmenber Fisher who moved for its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote.

AYES:	Councilmember:	Conrad, Fisher, Frohman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmember:	None
ABSENT:	Councilmember:	Jackman

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-494

A RESOLUTION ACCEPTING THE PROJECT TITLED "NEW POLICE HEADQUARTERS BUILDING – BID PACKAGE NO. 2" AS SUBSTANTIALLY COMPLETE

WHEREAS, a contract was awarded to Greg Opinski Construction, Inc. for construction of the project "New Police Headquarters Building – Bid Package No. 2" on April 27, 1999, and

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project has been substantially completed,

NOW, THEREFORE, BE IT RESOLVED that the "New Police Headquarters Building – Bid Package No. 2" be accepted from said contractor, Greg Opinski Construction, Inc., that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $5,942,147.48 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October 2002 by Councilmember Fisher who moved for its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote.

AYES:	Councilmember:	Conrad, Fisher, Frohman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmember:	None
ABSENT:	Councilmember:	Jackman

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-495

A RESOLUTION APPROVING A PROFESSIONAL SERVICE AGREEMENT WITH MBIA MUNISERVICES COMPANY (MMC) TO PROVIDE A UTILITY USERS TAX/FRANCHISE FEE AUDIT, COMPLIANCE AND REVENUE PROTECTION PROGRAM WHICH CHANGES FROM A CONTINGENCY FEE BASIS TO A FIXED FEE BASIS AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.

WHEREAS, the City of Modesto, by Resolution No. 89-532, approved an agreement with Municipal Resource Consultants to provide sales tax audit services, and

WHEREAS, the City of Modesto, by Resolution No. 93-337, approved an amendment to the agreement with Municipal Resource Consultants to provide audits for business license tax, franchise fees, transient occupancy tax, utility users tax and documentary transfer tax, and

WHEREAS, MBIA MuniServices Company (MMC), the successor to Municipal Resource Consultants, has proposed changing from a contingency fee basis to a fixed fee program for utility users tax and franchise fee audits, and

WHEREAS, MMC has offered to provide a credit of approximately $175,000 for already paid contingency fees, which credit is projected to last until late 2004,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with MMC to change from a contingency fee basis to a fixed fee basis for services provided to the City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October 2002 by Councilmember Fisher who moved for its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote.

AYES:	Councilmember:	Conrad, Fisher, Frohman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmember:	None
ABSENT:	Councilmember:	Jackman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-496

RESOLUTION ADOPTING STRATEGIC PLAN-BASED PERFORMANCE MEASURES FOR THE POLICE DEPARTMENT AND FOR THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT

WHEREAS, on October 23, 2001, Council adopted a *Strategic Plan* and Vision to serve as the road map for the City's future, and

WHEREAS, as part of the adoption of the *Strategic Plan* Council directed staff to develop Performance Measures linked to the *Strategic Plan*, and

WHEREAS, historically City departments have reported on Performance Measures as part of the budget process, and

WHEREAS, existing Performance Measures have been useful for internal management tools but are unrelated to the *Strategic Plan* and not outcome based, and

WHEREAS, existing Performance Measures do not have established targets and are not displayed graphically for easy interpretation of trends, and

WHEREAS, in July 2002, Council adopted *Strategic Plan*-based Performance Measures for the Fire Department, and

WHEREAS, Performance Measures have been developed for the Police and Parks, Recreation and Neighborhoods Departments, and

WHEREAS, the proposed Performance Measures reflect *Strategic Plan* goals and Vision, are outcome based, include targets, benchmark against other jurisdictions, and include an interpretation of trends and spikes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Police Department and Parks, Recreation and Neighborhoods

Department *Strategic Plan*-Based Performance Measures, attached hereto as **Exhibit A**, are hereby approved.

BE IT FURTHER RESOLVED that the Performance Measures be reported upon to the City Council on a quarterly basis using the methodology established in **Exhibit A**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October 2002 by Councilmember Fisher who moved for its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote.

AYES:	Councilmember:	Conrad, Fisher, Frohman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmember:	None
ABSENT:	Councilmember:	Jackman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM
By: _____
MIKE MILICH, City Attorney

Attachment 1

Existing PR&N Performance Measures
Draft 2002-2003 Budget

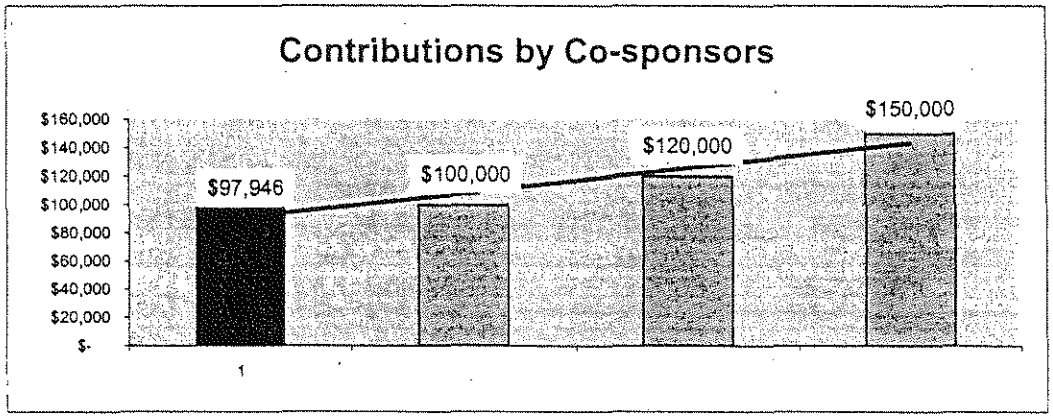
PARKS, RECREATION & NEIGHBORHOODS PERFORMANCE MEASURES

City of Modesto

Type	Measure	Actual 99-00	Actual 00-01	Estimate 01-02	Budget 02-03
Administration:					
Input	Number of Authorized Full-time Staff	55.75	53.00	57.50	63.25
	Number of Recruitments	4	10	5	3
	Grant Proposals Funded (#)	2	3	4	8
Output	Number of Actual Staff as of July 1	51.00	44.75	53.00	61.00
	Number of New Employees	3.75	8.25	4.50	2.75
	Grant Proposals Funded ($)	$ 186,344	$ 228,683	$ 2,600,000	$ 3,000,000
Quality	Staffing Level (actual vs. Authorized)	91%	84%	92%	96%
	% of Recruitments Successful	94%	83%	100%	100%
Efficiency	Average Grant Value	$93,172	$76,228	$650,000	$375,000
Parks Planning and Development Services Division:					
Input	Major Planning Efforts	0	1	1	1
	Park Partners Projects Started	2	4	6	4
	Park Master Plans Started	4	2	1	2
Output	Staff Hours Managing Major Planning Efforts	0	260	260	260
	Staff Hours Managing Park Partners Projects	200	400	600	400
	Staff Hours Managing Park Master Plan Projects	260	130	65	130
Quality	Major Planning Efforts Completed	0	1	1	1
	Park Partners Projects Completed	2	4	6	4
	Park Master Plans Completed	4	0	2	2
Recreation and Neighborhood Services Division:					
Input	Adult Sports Leagues	9	10	12	14
	Rentals at Senior Citizens Center	478	482	483	450
	Emergency Home Repair Clients	15	17	25	25
	Co-Sponsors	52	55	57	60
	Number of After-school Programs	29	39	43	35
	Number of Calls Received for Code Enforcement	7,137	7,957	9,217	10,000
Output	Adults Participating in Sports Leagues	7,060	7,260	7,476	8,700
	Attendees at Rentals at Senior Citizens Center	198,370	200,030	202,105	195,000
	Emergency Home Repair $ Spent	$ 150,000	$ 161,500	$ 250,000	$ 200,000
	Contributions by Co-sponsors	$ 97,946	$ 100,000	$ 120,000	$ 150,000
	Number of Youth in After-School Programs	640	897	1,075	875
	Number of Cases by Code Enforcement Officers in Response to Calls	5,948	6,631	7,626	8,275

PARKS, RECREATION & NEIGHBORHOODS PERFORMANCE MEASURES

City of Modesto



Type	Measure	Actual 99-00	Actual 00-01	Estimate 01-02	Budget 02-03
Efficiency	Participants per Adult Sports League	784	726	623	621
	Attendees per Senior Center Rental	415	415	418	433
	# of Youth per After School Program	22	23	25	25
	% of Code Enforcement Telephone Calls Requiring Follow-up	83%	83%	83%	83%
Quality	Contributions per Co-sponsor	$ 1,884	$ 1,818	$ 2,105	$ 2,500
	# Businesses Receiving Pro-active Contact by Code Enforcement Officer	N.A.	90%	90%	90%
	% of Code Enforcement Cases Resolved	100%	100%	100%	100%

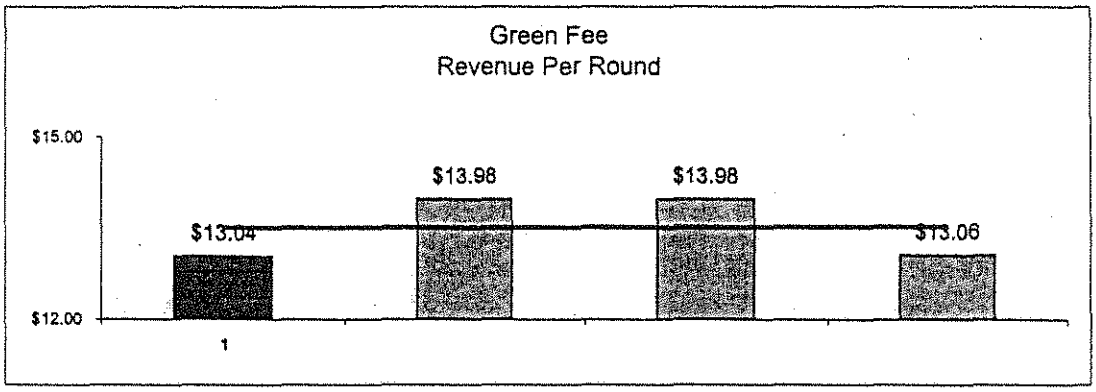
Cultural and Enterprise Services Division:

Input	Events at Modesto Centre Plaza	570	600	615	620
	Golf Rounds Played	155,180	145,326	153,725	150,000
	Cultural Services Volunteer Hours	12,600	13,000	13,500	13,500
	Mansion and Museum Fundraisers (#)	7	7	7	7
	Events at John Thurman Field	77	79	80	80
Output	Event Attendees at Modesto Centre Plaza	233,000	240,000	250,000	250,305
	Green Fee Revenue	$2,024,165	$2,031,657	$2,149,048	$1,959,620
	Mansion and Museum Fundraisers ($)	$80,000	$35,000	$35,000	$35,000
	Attendees at John Thurman Field	145,348	152,000	153,000	153,000
Quality	Attendees per Event at Modesto Centre Plaza	409	400	407	407
	Attendees per Event at John Thurman Field	1,888	1,924	1,913	1,913
Efficiency	Dollars Raised per Manison/Museum Fundraiser	$11,429	$5,000	$5,000	$5,000

PARKS, RECREATION & NEIGHBORHOODS PERFORMANCE MEASURES

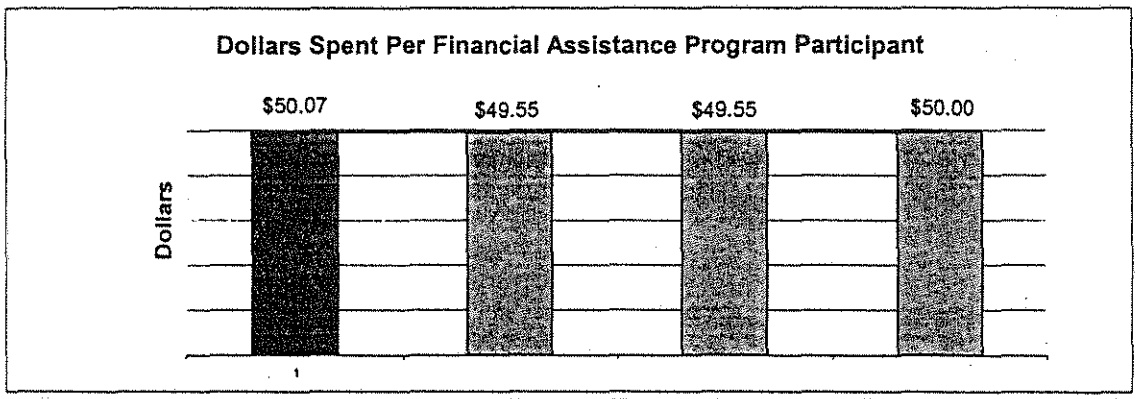
City of Modesto

Type	Measure	Actual 99-00	Actual 00-01	Estimate 01-02	Budget 02-03
Chart	Green Fee Revenue per Round	$13.04	$13.98	$13.98	$13.06



Community Services Division:

Input	# of Pay Station Services at City Hall at the Mall	3	6	7	7
	# of Hours of Service at City Hall at the Mall	3,691	3,700	3,700	3,700
	Funding Allocated to Youth/Senior/Disabled Financial Assistance Program	$ 109,000	$ 109,000	$ 109,000	$ 95,000
	# of City Approved Co-sponsored Youth Sports Organizations	21	21	22	21
	# of Full Time Equivalents Providing Reservation Services	2	2	2.5	2.75
Output	New Pay Station Services at City Hall at the Mall	0	3	1	0
	# of Customers at City Hall at the Mall	21,112	26,034	31,000	42,000
	# of Participants in Youth/Senior/ Disabled Financial Assistance Program	2,177	2,200	2,200	1,900
	# of Participants in Co-sponsored Sports Organizations	N.A.	11,000	11,500	8,000
	# of Reservation/Registration Transactions	N.A.	9,775	13,000	13,000
Quality	Total Pay Station Services Offered at City Hall at the Mall	3	6	7	7
	# of Youth Served per Co-sponsored Organization	N.A.	524	523	381
Chart	$ Spent per Participant in Financial Assistance Program	$ 50.07	$ 49.55	$ 49.55	$ 50.00



Customer Service	Percent of Customers Satisfied with Services/Facilities	85%	85%	85%	85%
Efficiency	Customers per Hour at City Hall at the Mall	5.72	7.04	8.38	11.35

Attachment 2

Proposed PR&N Department Performance Measures

Healthy & Safe Communities

Quarterly Progress Report

Modesto: A healthy, safe, attractive, economically vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engaged in the practice of citizenship with governance based on the principle of stewardship.

PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT

Mission:
We create community and enhance neighborhoods through people, parks, programs and facilities.

Strategic Goals:

Recreation & Neighborhoods

H.I. Identify opportunities for collaborative delivery of police, fire, recreation and neighborhood services.

H.II.A. Our actions develop and reinforce the sense of community and neighborhood sense of identity.

H.II.H. Incorporate open green areas in all neighborhoods, including trees, landscaping, parks and play areas.

H.II.K. Our neighborhoods are safe places to live, work, play and visit.

Housing

H.II.B. Promote a variety of housing types to address the diversity of needs for people throughout their life cycle and across income levels.

H.II.C. Promote home ownership.

H.II.I Recreation facilities support interaction in the neighborhoods.

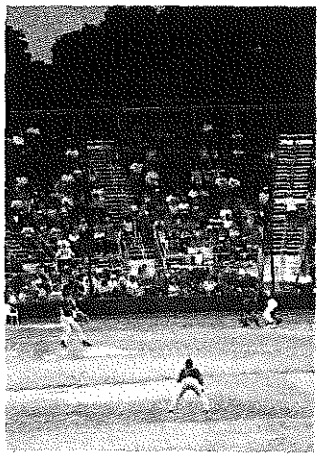
Social & Cultural

H.V. Actions support the safe and healthy, drug free, gang free, development of young people.

C.I. Provide opportunities for social interaction of residents from all backgrounds and walks of life.

C.II. Encourage Visual, Literary and Performing Arts in the Modesto Community.

C.III. Celebrate all cultures comprising the Modesto community.



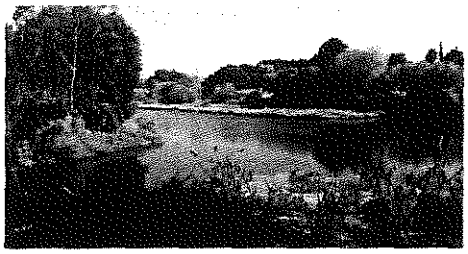
Economic Development & Tourism

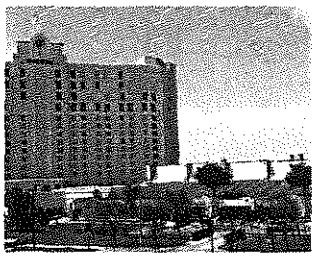
C.IV. Protect and preserve the City's historical assets.

C.V. People from diverse social, ethnic and age groups interact through sports and entertainment.

I.A.2. The City is attractive, clean and well-landscaped.

X.B.1. Capitalize upon tourism opportunities which increase the City's economic prosperity.





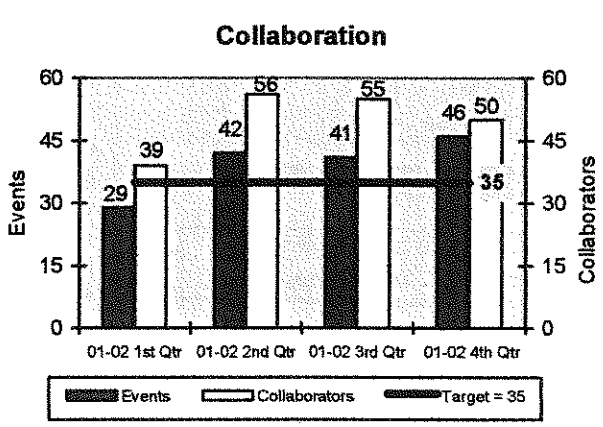
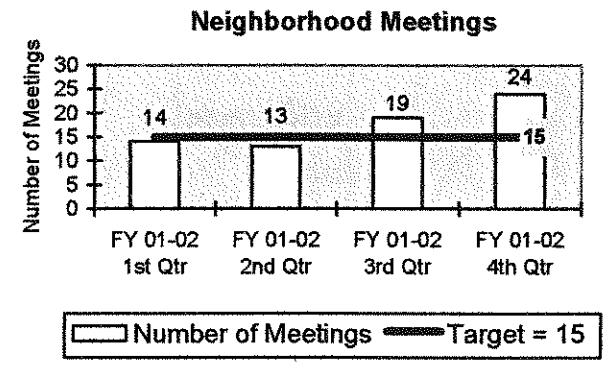
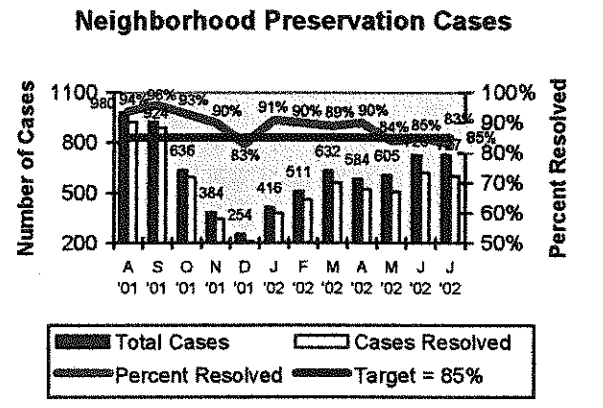
Healthy & Safe Communities

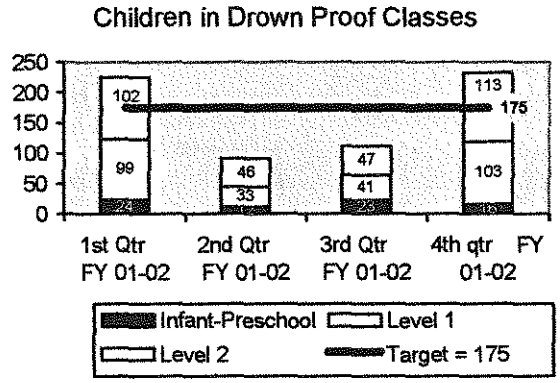
Quarterly Progress Report

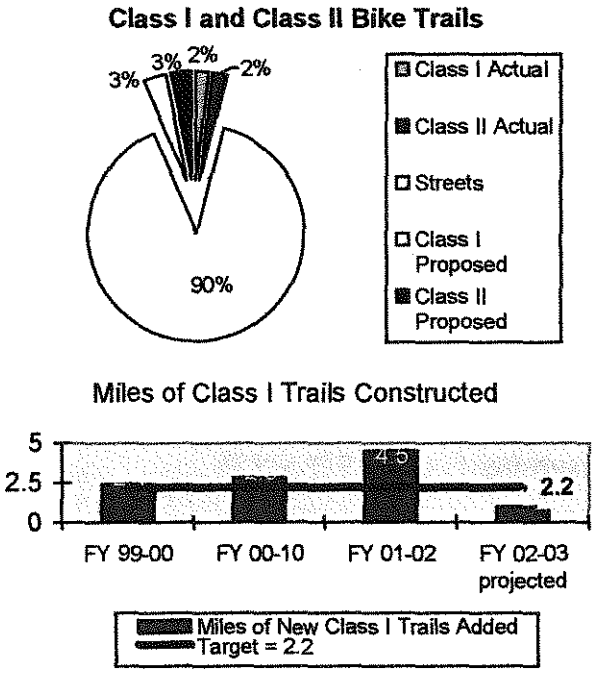
Modesto: A healthy, safe, attractive, economically vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engaged in the practice of citizenship with governance based on the principle of stewardship.

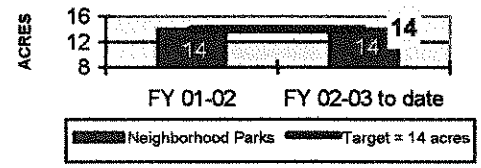
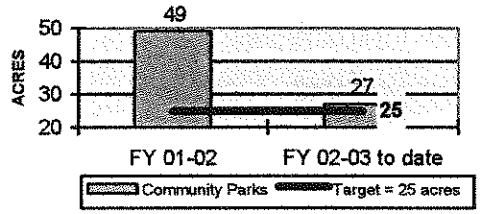
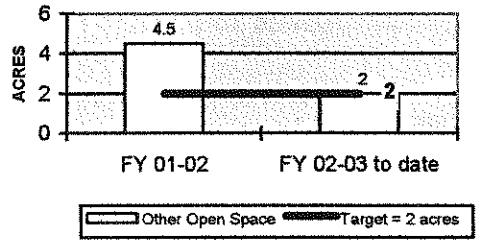
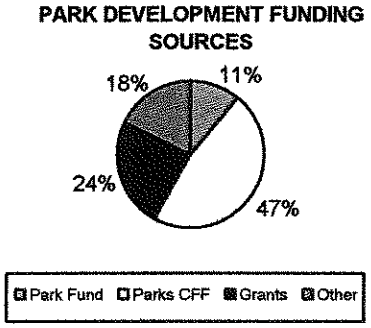
Key Efficiency Measures:

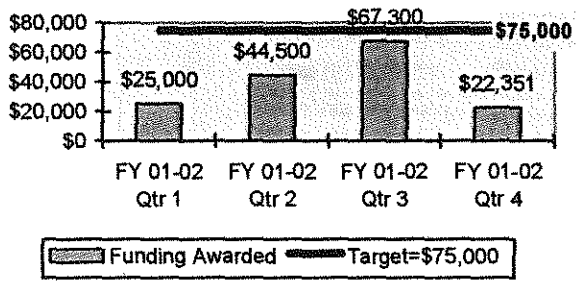
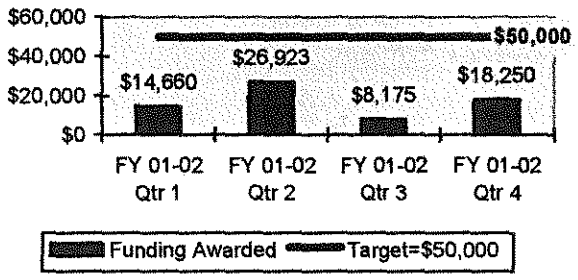
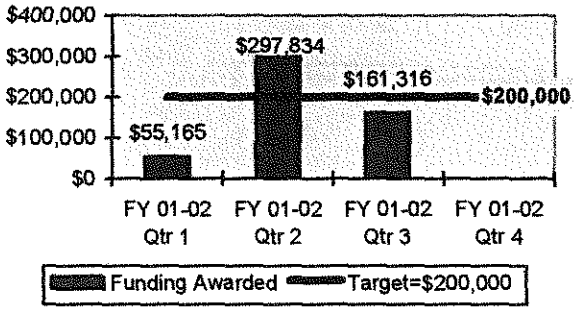
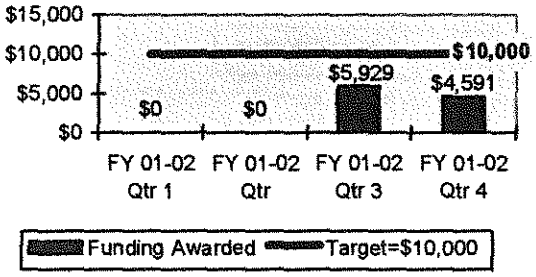
Recreation and Neighborhoods:

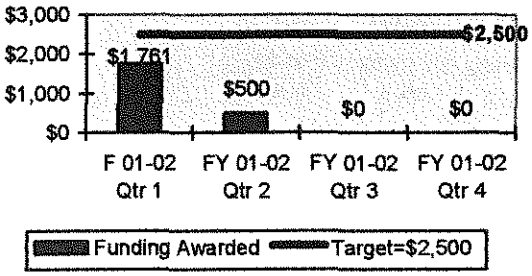
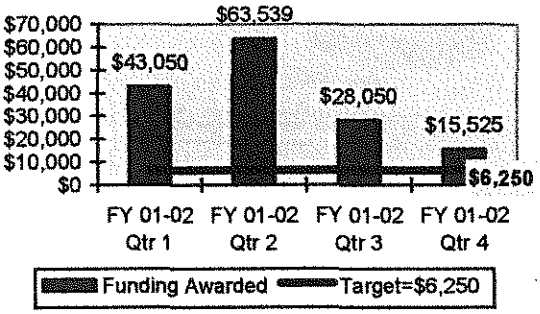
Performance Measure	Quarterly Results	2002-2003 Target	Comments
PRN-1. COLLABORATIVE SERVICE DELIVERY **What:** The department collaborates with other departments/agencies to deliver programs/events/ activities. **Why:** Measures level of collaboration. Diverse programs attract a wider spectrum of attendees and increase participation in events. **Strategic Plan Goals:** H.I., C.V.		Department staff will collaborate on 35 events per quarter. Staff will collaborate with a total of 35 departments/ Agencies per quarter. This measure includes special community events, meetings on problem properties, training exercises, etc.	Events for FY 01-02 Quarter 4 include: Cesar Chavez Park Re-naming Celebration, MoBand Café, Hetch Hetchy Bike Path Ribbon Cutting, 55 Alive Classes, Salvation Army Lunch Program, Special Olympics Friday Night Out, and the After School Learning Program
PRN-2. NEIGHBORHOOD IDENTITY **What:** Number of neighborhood meetings to build neighborhood capacity. **Why:** Measures capacity-building efforts of the department in the City's varied and diverse neighborhoods. **Strategic Plan Goal:** H.II.A., H.II.K		The Department will conduct 15 capacity-building neighborhood meetings per quarter.	Capacity-building meetings include those with ad hoc neighborhood groups to resolve issues related to recreation services, neighborhood clean-up, housing concerns, code violations, etc, as well as parks planning & development project meetings
PRN-3. SAFE & BEAUTIFUL NEIGHBORHOODS **What:** Percent of Neighborhood Preservation cases resolved within 4 weeks. **Why:** To effectively improve the safety and beauty of Modesto neighborhoods, NPU needs to close the majority of the cases relating to blight and municipal code violations in a timely manner. **Strategic Plan Goal:** H.II.A., H.II.K., I.A.2.		85% of NPU cases will be resolved within 4 weeks of receipt of the complaint.	Currently the Neighborhood Preservation Unit opens and closes 7,160 cases per fiscal year. In order to increase the percentage of cases resolved in a timely manner or the total number of cases resolved, additional staff and resources would be needed. For Qtr 4 of FY 01-02, 84% of the cases were resolved.

Performance Measure	Quarterly Results	2002-2003 Target	Comments
PRN-4. SAFE & BEAUTIFUL NEIGHBORHOODS **What:** Percent of all Modesto children who receive City-sponsored drown-proof swimming lessons. **Why:** Measures City's impact in preventing childhood drowning. **Strategic Plan Goal:** H.II.K.		Five percent (700) of all children will receive City-sponsored drown-proof swimming lessons on an annual basis. This equates to an average of 175 children per quarter. Currently, an estimated 14,000 children between the ages of three and seven live in Modesto.	The City of Modesto provides drown-proof swimming lessons throughout the year, partially funded by Modesto Irrigation District in a joint effort to reduce youth drownings in pools, irrigation canals and open waterways. 232 children took lessons in Qtr 4 of FY 01-02. The quarterly average was 165 students, slightly lower than the target

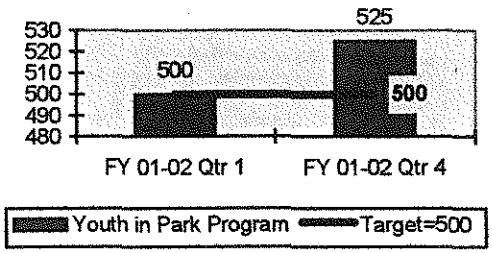
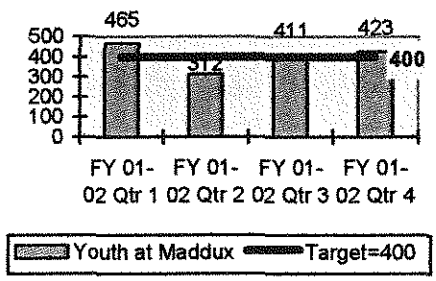
Performance Measure	Annual Results	2002-2003 Target	Comments
PRN-5 NON-MOTORIZED TRANSPORTATION **What:** Miles of Class I and II non-motorized facilities as a percent of total lane miles in the City. **Why:** Measures pace of investment in non-motorized transportation modes. **Strategic Plan Goal:** H.II.K.		**Class I and Class II Bike Trails.** Class I facilities represent 2% or more of the City's transportation system. Class II facilities represent 2% or more of the City's transportation system. The City currently has 14 miles of Class I, 16 miles of Class II, and 625 miles of streets. **Miles of Class I Trails Constructed:** On average, the City will construct 2.2 miles of Class I Bikeways annually or 10% of the remaining 22 miles of Class I Bikeway in the Non-Motorized Plan.	Trail development in the City has led to greater usage of the trail systems and social interaction in the community. Class I designates off-road bike trails; Class II designates on-street marked bike lanes. In FY 01-02, 4.5 miles of Class I trails were added (1.5 mile Hetch Hetchy Trail, 3 mile Peggy Mensinger Trail). Approximately 22 additional miles each of Class I trails and Class II lanes are proposed in the 1996 non-motorized plan.

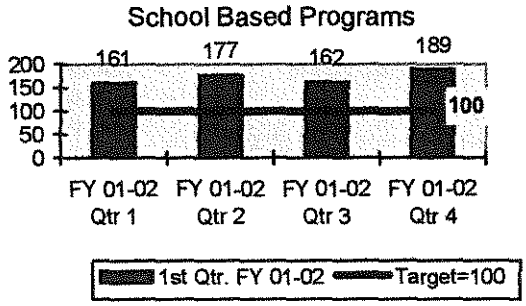
Performance Measure	Annual Results	2002-2003 Target	Comments
PRN-6. OPEN SPACE DEVELOPMENT **What:** Acres of park development and sources of funding. **WHY:** Measures the acquisition and development of open space and identifies funding sources. **Strategic Plan Goal:** H.II.H.	**NEIGHBORHOOD PARKS**  **COMMUNITY PARKS**  **OTHER OPEN SPACE**  **PARK DEVELOPMENT FUNDING SOURCES**  	**Neighborhood Parks:** The City will acquire and/or develop at least one phase of 2 neighborhood parks per year, comprising a total of 14 acres. **Community Parks:** The City will acquire and/or develop at least one phase of one community park per year, comprising at least 25 acres. **Other Open Space:** The City will develop at least 2 acres of additional open space per year, which could consist of trails, landscape medians or other small open space areas. **Park Development Funding Sources:** The City will seek grant funding for at least 20% of its park development funding.	The standards for open space acreage are defined in the Community Facilities-Open Space and Parks Chapter of the Modesto Urban Area General Plan. Standards for neighborhood parks are 7 acres or 2 acres per 1,000 population, Standards for community parks are 25 acres or 1 acre per 1,000 population in developed areas and 40 acres or 2 acres per 1,000 population in planned urbanizing areas.

Performance Measure	Quarterly Results	2002-2003 Target	Comments
PRN-7. HOME OWNERSHIP **What:** Number of approved applications versus percent of funds spent. **Why:** Measures impact of Housing Programs on reaching eligible participants. **Strategic Plan Goal:** H.II.B., H.II.C.	Down Payment Assistance Program  Emergency Home Repair  Rehabilitation Loans  Paint/Insulation Rebates  	**Down Payment Assistance Program:** 12 families will receive a total of $300,000 in down payment assistance for an average of $75,000 per quarter. **Emergency Home Repair:** 10 families will receive a total of $200,000 for emergency home repairs for an average of $50,000 per quarter. **Rehabilitation Loans:** 12 families will receive a total of $800,000 in housing rehab loans for an average of $200,000 per quarter. **Paint/Insulation Rebates:** 40 families will receive a total of $40,000 through the paint/insulation rebate program for an average of $10,000 per quarter.	The City's Housing Services programs are funded through annual Community Development Block Grant entitlement programs from the Federal Housing and Urban Development Department. A total of $1,460,000 is allocated for these programs in Fiscal Year 02-03. In addition, the City participates in a JPA to provide lease-to-own opportunities, up to $3 million in housing value per year. These programs help residents of Modesto purchase homes, rehabilitate or repair existing housing stock, or find suitable rental housing.

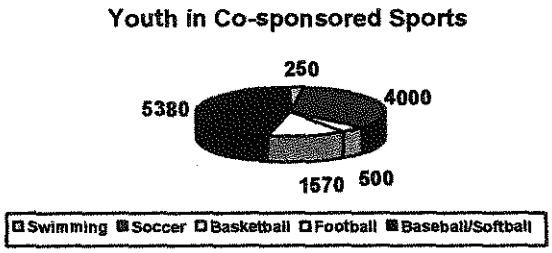
PRN-7. HOME OWNERSHIP (Continued)	Property Enhancement Program  Tenant Based Rental Assistance  	**Property Enhancement Program:** 20 families will receive a total of $10,000 for property enhancement for an average of $2,500 per quarter. **Tenant Based Rental Assistance:** 20 families will receive a total of $25,000 in tenant based rental assistance for an average of $6,250 per quarter.	

Social and Cultural:

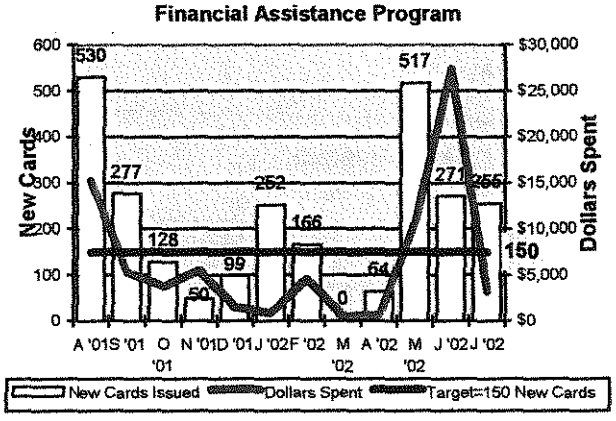
Performance Measure	Quarterly Results	2002-2003 Target	Comments
PRN-8. DEVELOPMENT OF YOUNG PEOPLE **What:** Percent of youth who participate in city-sponsored and co-sponsored programs such as After School Learning, After-School Park Programs, lessons, classes and youth sports. **Why:** Recreationally active youth commit fewer crimes, get better grades and are healthier. This measure determines the reach of recreational programs within the community. **Strategic Plan Goal:** H.V.	Park Program   	**Park Program:** 1,000 unduplicated youth will participate in park programs during the 1st and 4th fiscal quarters, when parks programs are active. **Maddux Youth Center:** 1,600 youth will participate in activities at Maddux Youth Center for an average of 400 activities per quarter.	The Department offers a variety of recreational and enrichment programs to local youth. Through an agreement with Modesto City Schools, school site programs are provided at selected sites. The City has a co-sponsorship arrangement with twenty youth sports organizations. Each of these organizations serves an average of 585 youth. (City and County) Approximately 57,000 youth under 18 reside in Modesto,

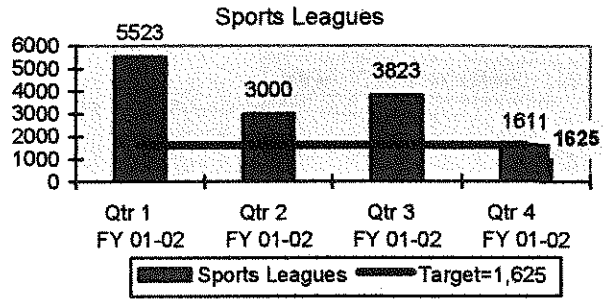
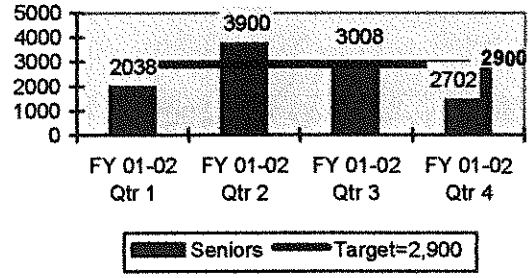
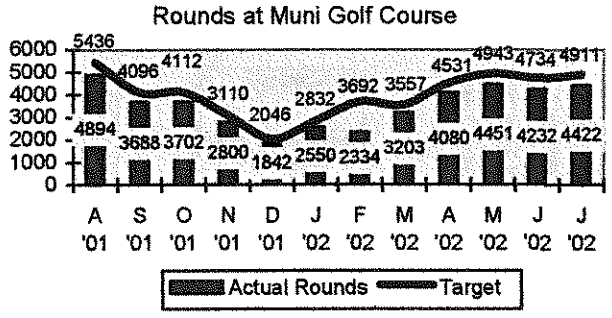
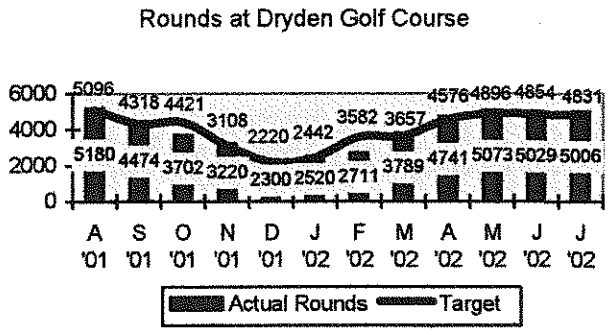


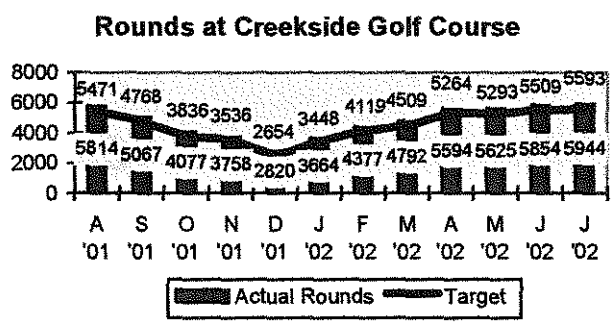
School Based Programs: 400 youth will participate in school-based programs for an average of 100 youth per quarter.



Youth in CO-sponsored Sports: 11,500 youth will participate in co-sponsored youth sports.

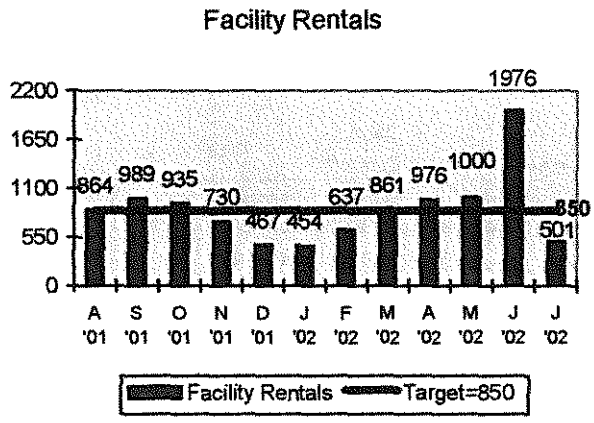
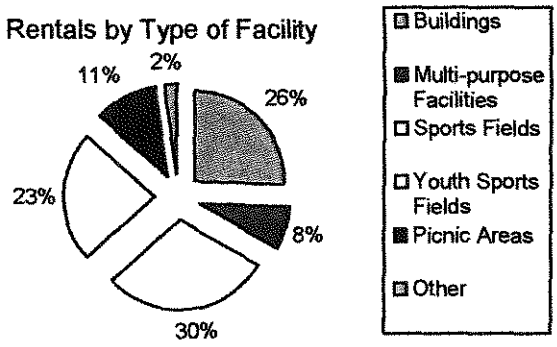
Performance Measure	Monthly Results	2002-2003 Target	Comments
PRN-9. FINANCIAL SUPPORT FOR RECREATION ACTIVITIES **What:** Percent of all eligible residents who participate in the Youth/Senior/Disabled Financial Assistance Program. **Why:** Measures the need for continuing/expanding the financial assistance program. **Strategic Plan Goal:** H.V.		Annually, twenty percent (1,800) of all eligible youth participate in the youth financial assistance program. Estimates are that 9,000 youth ages 5 to 18 in Modesto live below the poverty level.	This program has grown since its inception to a point where the requests for assistance have leveled off over the past few years. Funding is at a level where it equals all eligible requests for assistance. Seniors and disabled adults are also eligible to participate. They represent less than 2% of the cards issued.

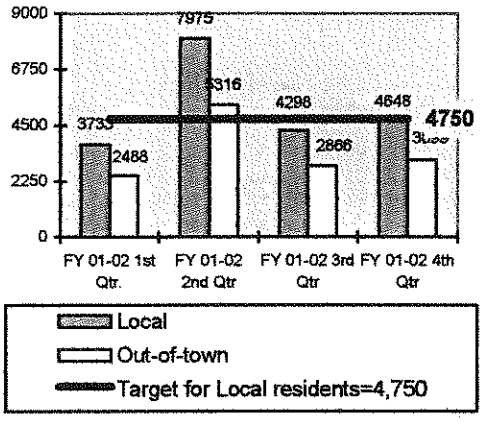
Performance Measure	Quarterly/Monthly Results	2002-2003 Target	Comments
PRN-10. SOCIAL INTERACTION **What:** Percent of all adults and seniors participating in City-sponsored recreational/cultural/social activities. **Why:** Measures the need for continuing/expanding programs and services for adults and seniors. **Strategic Plan Goal:** H.V.	   	Annually, twenty percent of all adults and seniors participate in City-sponsored programs. **Sports Leagues:** 6500 adults will participate in city sports leagues for an average of 1625 per quarter. **Senior Participation:** 11,600 seniors will participate in activities at the Senior Citizens Center for an average of 2900 per quarter. 150,000 rounds of golf will be played at all three courses. **Rounds At Muni Golf Course:** 48,000 rounds (32%) will be played at Muni Golf Course. **Rounds at Dryden Golf Course:** 48,000 rounds (32%) will be played at Dryden Golf Course.	The City provides adult sports leagues and recreation classes for adults and seniors. The City also owns three golf courses, providing a total of 45 holes of golf. The Senior Citizens Center offers a variety of educational and social programs open to all interested seniors. Approximately 130,000 persons over the age of 18 reside in Modesto.

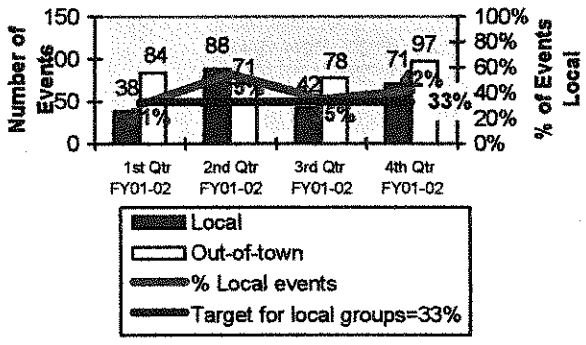
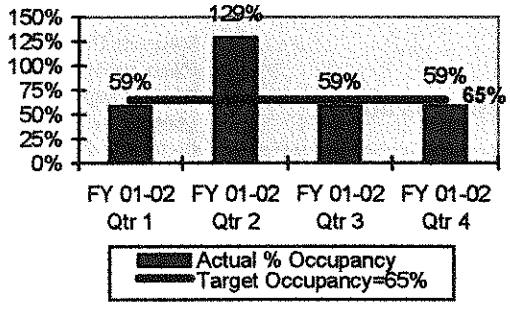


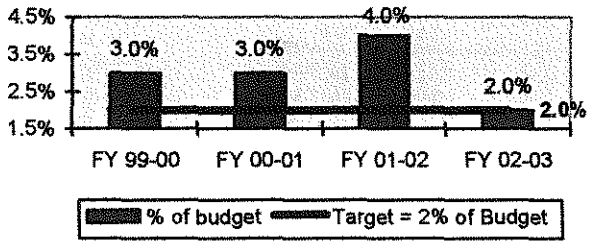
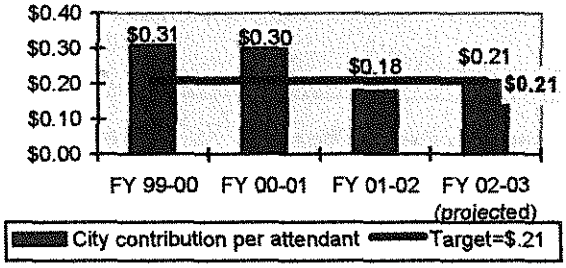
Rounds at Creekside Golf Course: 54,000 rounds (36%) will be played at Creekside Golf Course.

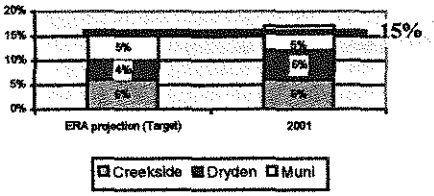
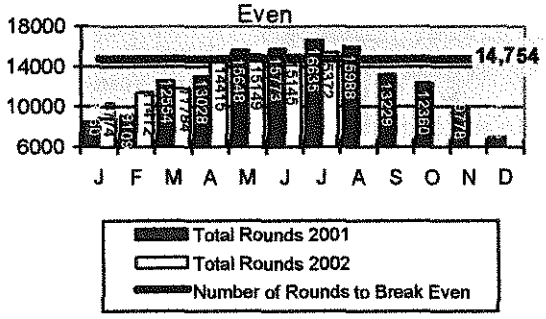
ECONOMIC DEVELOPMENT & TOURISM:

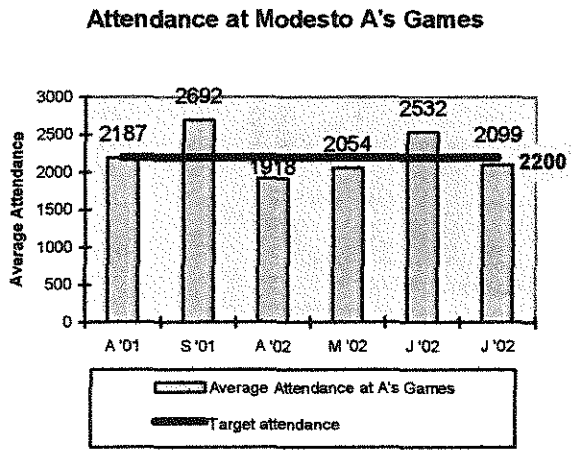
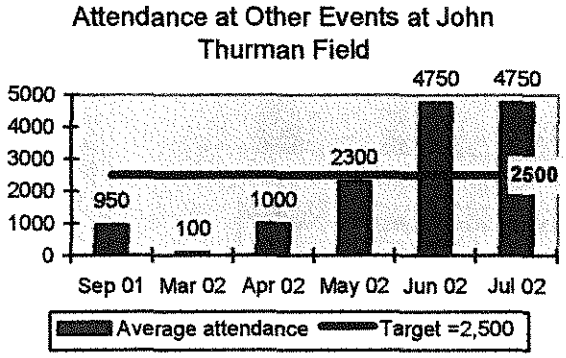
Performance Measure	Monthly Results	2002-2003 Target	Comments
PRN-11. RECREATION FACILITIES **What:** Number of classes, meetings, and agency events booked at City Facilities per number of facilities **Why:** Measures use of City facilities **Strategic Plan Goal:** H.II.I	 	**Facility Rentals:** City facilities will average fifteen bookings per facility each month, for an average of 850 reservations per month. **Rentals by Type of Facility:** The City operates: 9 buildings (26%), 4 Multi-purpose facilities (8%), 9 rental sports fields (baseball, softball, soccer) (30%), 20 youth sports fields (23%) and 12 picnic areas (11%). Other rentals include portable equipment (barbecue pits, awning, stage) and parties (2%).	During Qtr 4 of FY 01-02, there were an average of 1377 reservations at 54 available facilities or an average of over 24 reservations per facility per month. Rentals were lower in July '02 due to a break in use by youth sports organizations.

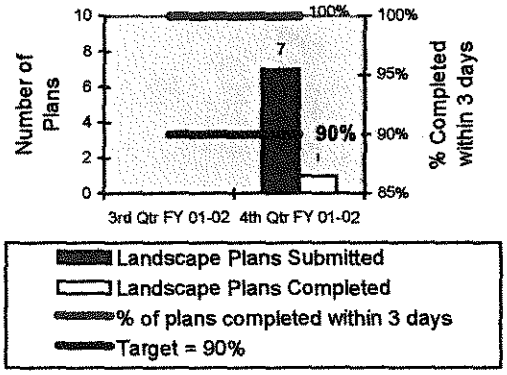
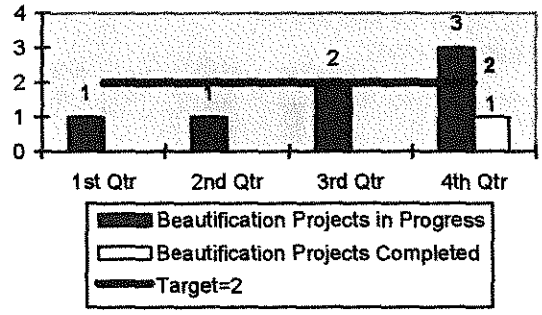
Performance Measure	Quarterly Results	2002-2003 Target	Comments
PRN-12. SOCIAL INTERACTION **What:** Number of visits to the McHenry Museum and Mansion as a percent of all residents. **Why:** Measure the department's commitment and contribution toward all residents and effectiveness in providing culturally rich places for people to gather. **Strategic Plan Goal:** C.I., C.V., X.B.1.		Ten percent of the residents of Modesto will visit the Mansion and Museum each year. An average of 4,750 Modesto residents will visit each quarter. At least one-half of the visitors will be Modesto residents.	Tours to the McHenry Museum and McHenry Mansion are part of the Third Grade curriculum in local school district. Changing exhibits at the Museum, and holiday decorations continue to attract local residents and visitors to the area. These facilities are also available for rental for weddings, receptions, meetings and other similar events. For FY 01-02 Qtr 4, 7,747 people visited these facilities, 4648 of whom were Modesto residents.

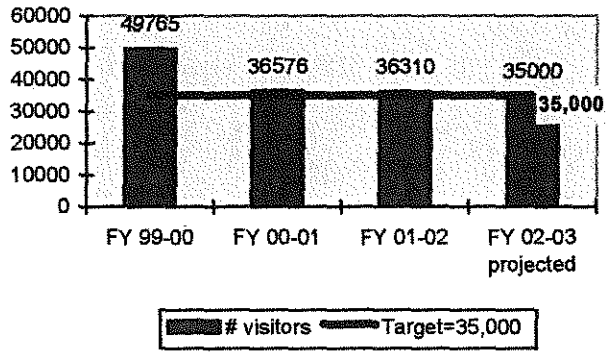
Performance Measure	Quarterly Results	2002-2003 Target	Comments
PRN-13. SOCIAL INTERACTION **What:** Number of bookings at the Modesto Centre Plaza to local groups versus number of room days rented to out-of-town groups. **Why:** Measure the department's commitment and contribution toward all residents and effectiveness in providing culturally rich places for people to gather. **Strategic Plan Goal:** C.I., C.V., X.B.1.	**Events at Modesto Centre Plaza**  Centre Plaza Occupancy Rate 	**Events at Modesto Centre Plaza:** The Modesto Centre Plaza will have 600 bookings (events) per year. One-third of the events will be rentals by local groups, individuals and organizations. Two thirds of the events will be rentals by out-of-town organizations and promoters. **Centre Plaza Occupancy Rate:** The Centre will operate at 65% of capacity or greater on average per quarter.	Types of events held at the Modesto Centre Plaza include community events, conventions, trade shows, fundraisers, consumer shows, meetings, banquets, seminars, entertainment, youth activities, private dinners and receptions, Comparison of local versus out-of town events addresses the Centre's ability to serve as a community center as well as a convention center. According to studies conducted for the Centre Plaza's current Five-Year Plan, the functional capacity for community/convention facilities in markets equivalent to Modesto is cited at about 70%. This percentage is due to soft (undesirable) dates, maintenance time and smaller bookings using a portion of space that could be rented to larger events.

Performance Measure	Annual Results	2002-2003 Target	Comments
PRN-14. LEVERAGING FUNDS **What:** City contributions as a percent of total budget for arts groups; MoBand; and other organizations/events supported by the City. **Why:** Measure outreach achieved through City financial assistance and partnership with other organizations conducting events and supporting the arts. **Strategic Plan Goal:** C.I., C.V., X.B.1.	Contributions to Cutural Arts and Festivals-% of total budgets  City Contributions to Cultural Arts and Festivals per participant  	**Contributions to Cultural Arts and Festivals-% of Total Budgets:** City contribution will be less than 2%, on average, of the total budget for community events, the arts and festivals. **City Contributions to Cultural Arts and Festivals per participant:** The City's contribution will be $.21 or less per person attending events supported by the City.	The City provides financial assistance to local groups promoting the arts, cultural diversity and civic pride. The combined operating budgets for all groups receiving financial assistance are $3,440,785. The City's contributions ranges from 40% for the 4th of July, and 16% for MoBand to less than 1%. Total attendance at all events by these groups is 311,100. City's contribution ranges from $2 per participant to the Stanislaus Arts Council to $.06 for the International Festival.

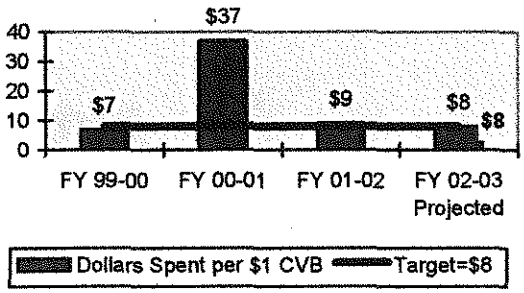
Performance Measure	Annual Results	2002-2003 Target	Comments
PRN-15. SPORTS AND ENTERTAINMENT **What:** Modesto's market share of golf rounds played in the region. **Why:** Measures success of City golf courses as compared to other courses in our region. **Strategic Plan Goal:** C.V.	Golf Course Market Share  Rounds Played Vs Rounds to Break Even  	**Golf Course Market Share:** Modesto will maintain a 15% market share of golf rounds in the region (6% at Creekside, 4% at Dryden and 5% at Muni). **Rounds Played Vs Rounds to Break Even:** The average revenue earned per round for FY 01-02 was $13.56. In order to break even, 177,053 rounds need to be played at all three courses, or an average of 14,754 rounds per month. At the current rate of play (150,838 rounds per year), the revenue would need to average $15.97 per round.	Market share is a formula using population, rounds played, demand for golf and total number of holes. Market share for individual courses in Modesto's market area range from 10% to 2%. A study of Modesto's Golf Courses projected that Modesto's market share would be 15%. In 2001, market share averaged a total of 17%. To break even at our current revenue per round rate, we would need to average 14,754 rounds per month. In 2001, we averaged 12,460 rounds per month. To date in 2002, we have averaged 13,150 rounds per month.

Performance Measure	Monthly Results	2002-2003 Target	Comments
PRN-16. SPORTS AND ENTERTAINMENT **What:** Attendance, per event and game at John Thurman Field. **Why:** Measures utilization of the City's investment in John Thurman Field. **Strategic Plan Goal:** C.V.	 	**Attendance at Modesto A's games:** Attendance will average 55% of stadium capacity (2,200 persons) based on a 70 games season. **Attendance at John Thurman Field:** Attendance at other events will average 2,500 per event.	The average attendance at benchmark stadiums is: Stockton (31%), Visalia (50%), Bakersfield (33%) and San Jose (55%) of capacity. John Thurman Field has seating for 4,000 for baseball games. Other events include car shows, concerts, festivals, and ceremonies. During Qtr 4 of FY 01-02, attendance at Modesto A's games averaged 2168 or 54% of capacity. Attendance at other events averaged 2,157 per event.

Performance Measure	Quarterly Results	2002-2003 Target	Comments
PRN-17. WELL-LANDSCAPED CITY **What:** Beautification efforts in the areas of commercial landscape inspections, improvements to public rights-of-way and special projects. **Why:** Measures responsiveness and workload of Landscape Plan Check team. **Strategic Plan Goal:** I.A.2.	Landscape Plans  Beautification Projects  	**Landscape Plans:** Ninety percent of commercial landscape plans are reviewed and returned within 3 days of submittal. Commercial Landscape Plan inspection was transferred to the Parks, Recreation and Neighborhoods Department in Qtr 4 of FY 01-02. **Beautification Projects:** 8 special beautification projects will be completed annually for an average of 2 per quarter.	A well-landscaped city will result when plans and landscape installations are in conformance with state and local code. Special projects above required mitigation will make Modesto a beautiful place to live, work and recreate. FY 01-02 Qtr 4 projects include: Cesar Chavez Park, Hetch Hetchy Trail, and Dale Road Median.

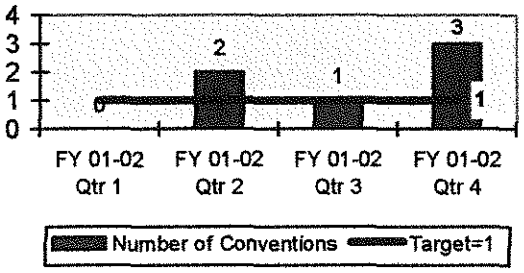
Performance Measure	Quarterly Results	2002-2003 Target	Comments
PRN-18. TOURISM OPPORTUNITIES **What:** The Transient Occupancy Tax allocated to the Convention and Visitors Bureau will be leveraged to attract visitors. **Why:** Measure the effectiveness and the economic impact of promotion of tourism. **Strategic Plan Goal:** X.B.1	Visitors to Modesto Attracted by CVB  	**Visitors Attracted by CVB:** Annually, 35,000 visitors will be brought to Modesto through CVB efforts.	Modesto currently allocates 13.33% of its TOT to the CVB. Percentages for benchmarked cities are: Visalia (21%), Bakersfield (16%) and Fresno (17%). The economic multiplier for visitors to Modesto is $125 per night or $50 per day for visitors that do not stay over night. Total economic impact for FY 02-03 is projected at $2,440,000.

Economic Impact of CVB



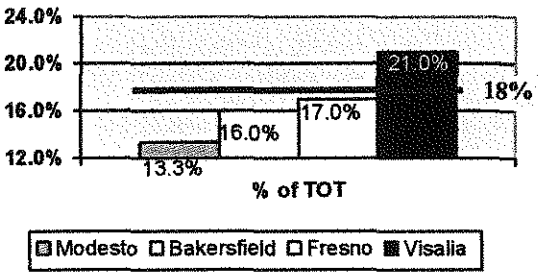
Economic Impact of CVB: For every $1 spent by the CVB, visitors attracted by the CVB will spend $8 in Modesto.

Conventions Per Quarter



Conventions Per Quarter Attributable to CVB: 4 conventions will be brought to Modesto annually through CVB efforts for an average of one convention per quarter.

% of TOT Spent on CVB



% of TOT Spent on CVB: Modesto will spend less than the average of the cities of Visalia, Bakersfield and Fresno (18%) of TOT on CVB activities.

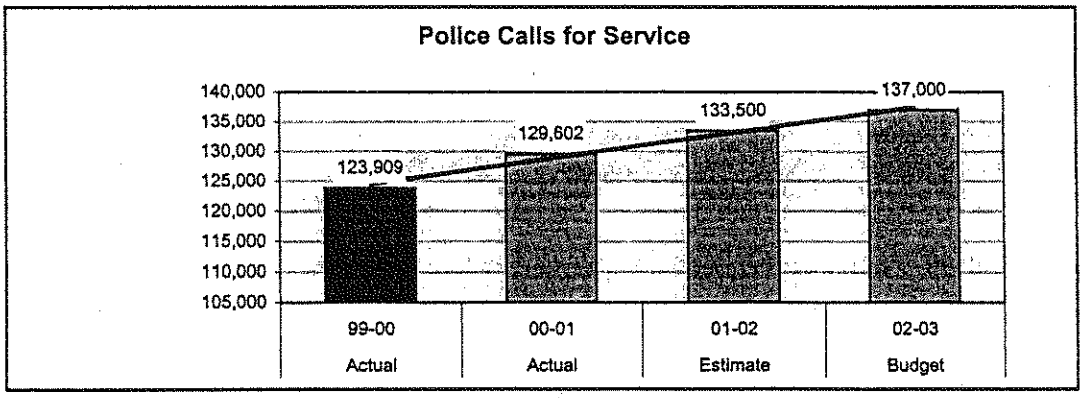
Attachment 3

Existing Police Department Performance Measures

POLICE DEPARTMENT PERFORMANCE MEASURES

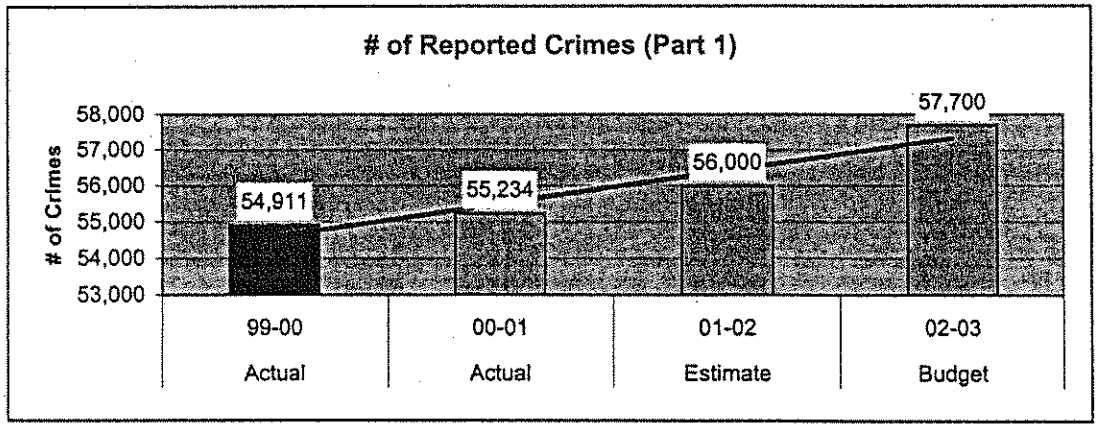
City of Modesto

Type	Measure	Actual 99-00	Actual 00-01	Estimate 01-02	Budget 02-03
Input	Full Time Equivalents	356	363	370	355
Input	Sworn Staff	259	257	259	251
Input	Non-Sworn Staffing	97	106	108	104
Outcome	Sworn Staffing Per 1,000 Population	1.4	1.4	1.4	1.3
	Remain within 5% of National Average of 1.38 - 1.43				
	Police Field Operations:				
Chart	**# of Calls for Service**	**123,909**	**129,602**	**133,500**	**137,000**



Police Department calls for service are increasing at approximately the same % rate as the City's increase in population. Community policing also increases calls for police service as a more empowered and involved community engages police services for solutions to safety problems.

Chart	**# of Reported Crimes (Part I & Part II)**	**54,911**	**55,234**	**56,000**	**57,700**



Part I and II Crimes have been generally increasing, similar to Calls for Police Service.

POLICE DEPARTMENT PERFORMANCE MEASURES

City of Modesto

Type	Measure	Actual 99-00	Actual 00-01	Estimate 01-02	Budget 02-03
Output	Part I Crimes	10,751	10,138	10,300	11,000
Outcome	Part I Crime Rate (per 100,000 population)	5,826	5,498	5,583	5,820
Output	# of Traffic Accidents	5,204	5,806	5,200	5,320
Outcome	Number of Fatal and Injury Accidents	1,354	1,206	1,150	1,200
Efficiency	Number of Injury Producing Accidents Per 1,000 Population	7.33	6.52	6.18	6.40
Outcome	Number of Traffic Fatalities	14	11	9	10
Efficiency	Number of Traffic Fatalities Per 1,000 Population	0.076	0.064	0.049	0.054
Output	# of Traffic Citations	23,642	18,132	24,000	26,000
Efficiency	Number of Moving Violation Citations Per 1,000 Population	128	98	130	140
Input	# of Traffic Personnel (Sworn)	15	13	15	15
Outcome	# of DUI Arrests	696	550	800	850
Efficiency	Number of DUI Arrests Per 1,000 Population	3.78	2.98	4.34	4.59
	Animal Control Division:				
Input	# Calls Received for Service	10,638	9,644	10,700	10,850
	# of College FTE units offered to Personnel (in collaboration with MJC)				12
	Crime Free Housing Program:				
Output	Fully Certified Properties			25	46
Output	# of Rental Units in Fully Certified Properties			3,486	5,500
Output	Properities in Certification Process			23	25
Output	# of Rental Units in Certification Process			2,129	2,300
Output	Management Companies Involved			6	10
Output	# of Rental Units in Management Companies Involved			1,019	1,400
	Information or Diversion:				
Input	Neighborhood Watch Groups Active	693	691	720	745
	Youth Services				
Output	Number of Youth Contacts in Police Department Programs	76,002	78,440	80,850	90,000
Output	Students Receiving DARE Instruction	27,051	27,917	28,000	30,000
Output	School Police Officer Contacts	11,724	12,099	12,200	14,000
Output	Children in PAL Activities	10,188	10,514	12,000	16,200
Output	Number of Juveniles Participating in Diversion Clean-ups	43	50	100	100
Output	Juveniles Assessed for Diversion	945	975	1,000	1,100
Output	Participants in the WAKE-UP Program	1,046	1,079	1,100	1,400
Output	School Safety Patrol Presentations	2,360	2,436	2,450	2,450
Output	School Safety Patrol Training Sessions, Youth Contacted	647 - 22,645	668 - 23,370	700 - 24,000	700 - 24,200
	Prompt Response to Citizen Requests for Service:				
Output	Average Response Time for Emergency Service 1 - 5 Minutes	5.32	5.80	5.00	5.10

Attachment 4

Proposed Police Department Performance Measures

Healthy & Safe Communities

Quarterly Progress Report

Modesto: A healthy, safe, attractive, economically vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engaged in the practice of citizenship with governance based on the principle of stewardship.

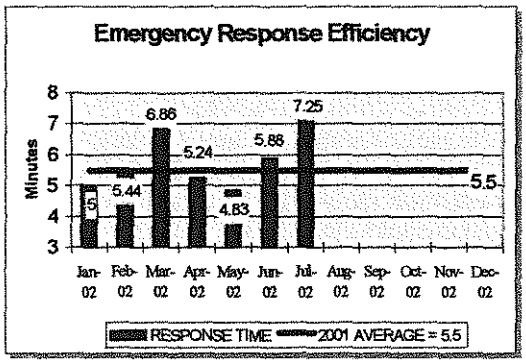
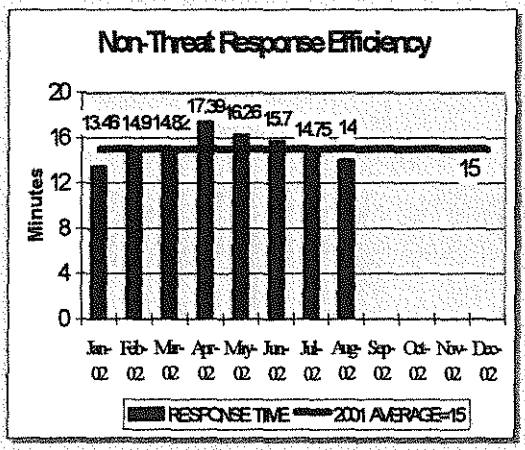
Police Department

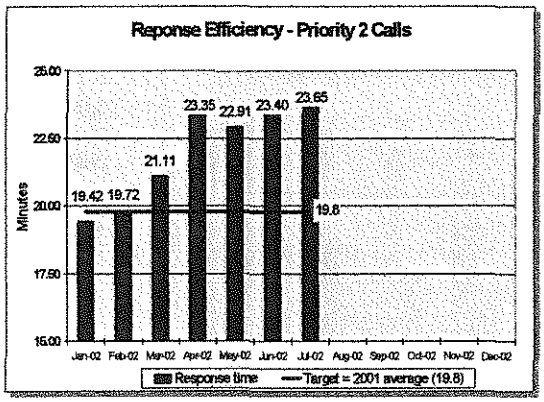
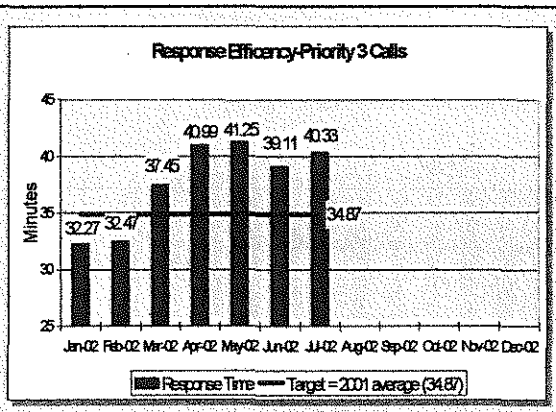
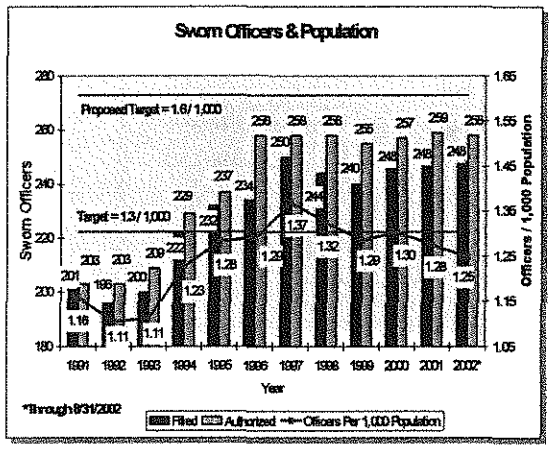
Mission:
To provide professional police services. Together, in a partnership with our community and through the effective use of resources, we will achieve a safe and secure environment in which to live and prosper.

Strategic Plan Goals:

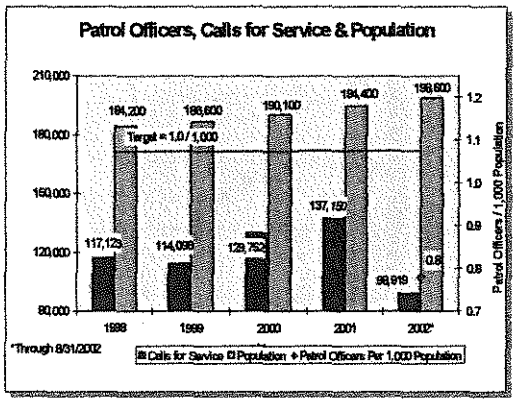
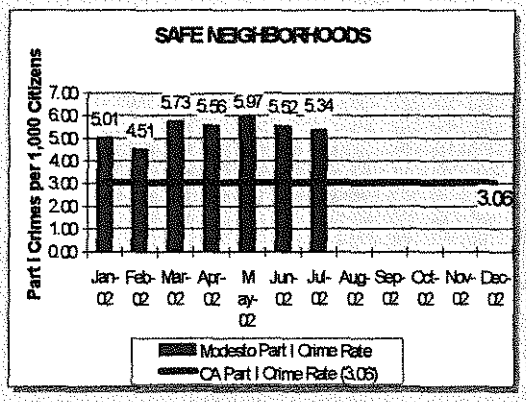
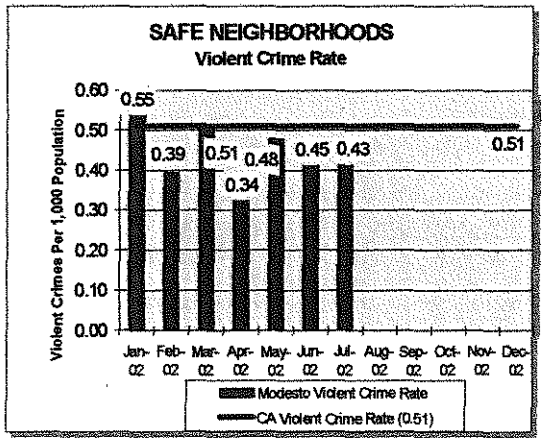
H.I. Identify opportunities for collaborative delivery of police, fire, recreation and neighborhood services.
H.II.A. Our actions develop and reinforce the sense of community and neighborhood sense of identity.
H.II.K. Our neighborhoods are safe places to live, work, play and visit.
H.III. Emergency services are delivered quickly, safely and responsively.
H.V. Actions support the safe and healthy, drug free, gang free, development of young people.

Key Efficiency Measures:

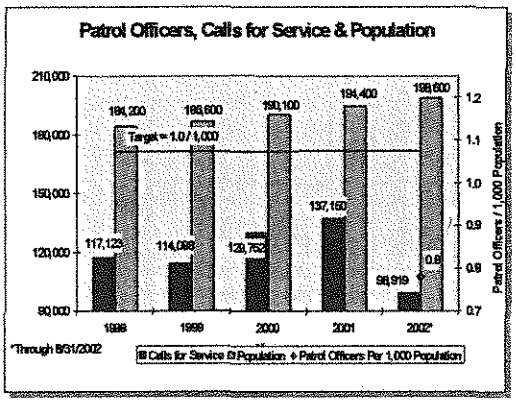
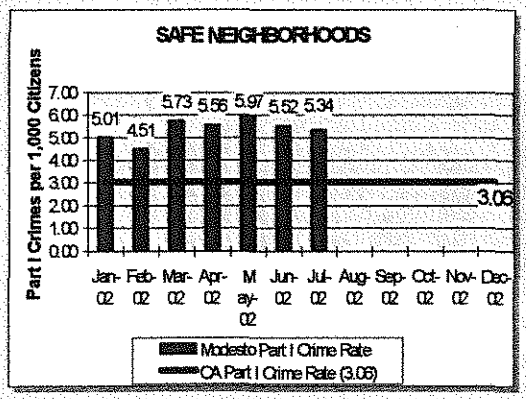
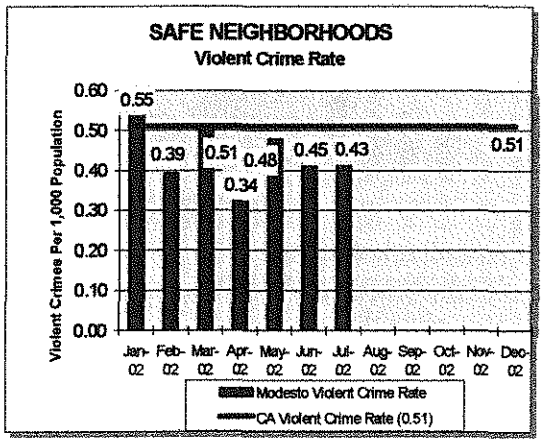
Performance Measure	Monthly Results	02-03 Target	Comments
PD-1. EMERGENCY RESPONSE EFFICIENCY (PRIORITY 1P CALLS) **What:** Average response time for **PRIORITY 1P In Progress** calls involving threats to public safety is at or below previous-year level. *Priority 1P calls include In Progress homicide, kidnap, robbery, ADW, rape, fight with weapons, burglary & auto theft.* **Why:** Measures level of community safety. **Strategic Plan Goals:** H.III.		Average response time for **Priority 1P** calls is less than the 2001 average response time of 5 minutes and 30 seconds.	July's average response time is high due to minimum staffing levels and vacant positions. We will continue to monitor this measure to ensure rapid response to our citizens.* **Note: Response times for calls involving public safety are directly impacted by availability of officers to respond.*
PD-2. NON-THREAT EMERGENCY RESPONSE EFFICIENCY (PRIORITY 1 CALLS) **What:** Average response time for calls **PRIORITY 1** calls involving threats to public safety is at or below previous-year level. *Priority 1 calls include: homicide, kidnap, robbery, ADW, rape, fight with weapons, burglary and auto theft* **Why:** Measures level of community safety. Rapid response and intervention is necessary to provide for public safety. **Strategic Plan Goals:** H.III.		Average response time for **Priority 1** calls is less than 15 minutes (2001 average) from the time the call is received.	In 2002, we have been within the target range most of the time. We will continue to monitor this measure on a monthly basis. **Note: Response times for calls involving public safety are directly impacted by availability of officers to respond.*

Performance Measure	Monthly Results	02-03 Target	Comments
PD-3. EMERGENCY RESPONSE EFFICIENCY (PRIORITY 2 CALLS) **What:** Average response time for **moderate priority calls (PRIORITY 2)** calls is at or below previous-year level. *Priority 2 calls include brandishing weapons, prowlers, domestic battery, family fights and alarms.* **Why:** Measures level of community safety. Rapid response and intervention is necessary for community safety. **Strategic Plan Goals:** H.III.		Average response time for **Priority 2** calls is less than the 2001 average response time of 19.8 minutes.	In the past several months, response times have exceeded the 2001 average (target). Targets were met in January and February. Historically, the months of March through July have had a higher call volume, which accounts for the greater response time.
PD-4. EMERGENCY RESPONSE EFFICIENCY (PRIORITY 3 CALLS) **What:** Average response time for **PRIORITY 3** calls is at or below previous-year level. *Priority 3 calls include public nuisance, grand theft, trespassing, stolen vehicle and public drunkenness.* **Why:** Measures level of community safety. Rapid response is necessary to provide for public safety. **Strategic Plan Goals:** H.III.		Average response time for **Priority 3** calls is less than 34.87 minutes (2001 average) from the time the call is received.	In 2002, we were within the target range for the months of January & February. The months of March through July have historically had higher call volumes, which explains the greater response time. **Note: Response times for calls involving public safety are directly impacted by availability of officers to respond.*
PD-5. SWORN OFFICERS AND POPULATION **What:** Sworn officers per 1,000 residents will be at or above the City's adopted standard of 1.3/1,000. **Why:** Measures human resources dedicated to police services compared to the demand for services. **Strategic Plan Goals:** H.II.K. H.III.		Current: Number of sworn officers per 1,000 residents meets or exceeds the adopted standard of 1.3 / 1,000. Proposed Future: Number of sworn officers per 1,000 residents meets or exceeds the state average of 1.6 / 1,000. Long Term: 2.0 / 1,000	Officer to citizen ration is a standard indicator of a municipality's level of fiscal resources dedicated to public safety. Since 1991, we have met or exceeded our targeted standard three years and been below target 9 years, with the current decline approaching levels of the early 1990s. Lower than average officer to citizen ratios have proven to result in higher police response times.

Key Efficiency Measures:

Performance Measure	Monthly Results	02-03 Target	Comments
PD-6. PATROL OFFICERS, CALLS FOR SERVICE AND POPULATION **What:** Number of sworn officers assigned to handle various patrol functions is equal to or greater than 1.0 per 1,000 residents. **Why:** Measures availability of officers to handle calls for service, community-oriented policing, traffic enforcement and other neighborhood crime related functions. **Strategic Plan Goals:** H.II.A., H.II.K., H.III.		Sworn officers assigned to patrol operations is equal to or greater than 1.0 per 1,000 residents.	The number of officers assigned to patrol has decreased in relation to population growth since 1998. Presently, the ratio is 0.8 per 1,000 residents. As the City continues to grow, more resources are needed to maintain the same level of service to our residents. ***Patrol functions include: Supervisors, patrol officers, tactical patrol officers, traffic officers and miscellaneous special enforcement units.***
PD-7. SAFE NEIGHBORHOODS **What:** Number of Part 1 Crimes committed per 1,000 population (**Part 1 Crime Rate**). *Part I Crimes include: murder, rape, assault, burglary, larceny and auto theft.* **Why:** Measures impact of Police Services on reducing the Part 1 Crime Rate. **Strategic Plan Goals**: H.II.K.		**Part 1 Crime Rate** is at or below the average Part 1 Crime Rate for California of 3.06 crimes per 1,000 population (2000).	Our Part 1 crime rate for 2002 exceeds the state average for 2000. This is a reflection of the overall economic downturn in the state, as well as the higher degree of crime reporting in our City. We will continue to monitor this trend as we put in place restorative policing measures.
PD-8. SAFE NEIGHBORHOODS **What:** Number of violent crimes against persons committed per 1,000 population (**Violent Crime Rate**). *Violent crimes include: homicide, rape, robbery and assault.* **Why:** Measures socioeconomic conditions which contribute to the various types of crime, and policing efforts to reduce that crime. **Strategic Plan Goal:** H.II.K.		City of Modesto's **Violent Crime Rate** is at below the average of for all California cities or .51 per 1,000 population per month (2000).	Our violent crime rate is consistently lower than that of the state as a whole. *Note: Socioeconomic conditions contribute to violent crime. Historically, proactive policing and prevention programs have had little effect on the violent crime rate, particularly with respect to "familiar" violent crimes.*

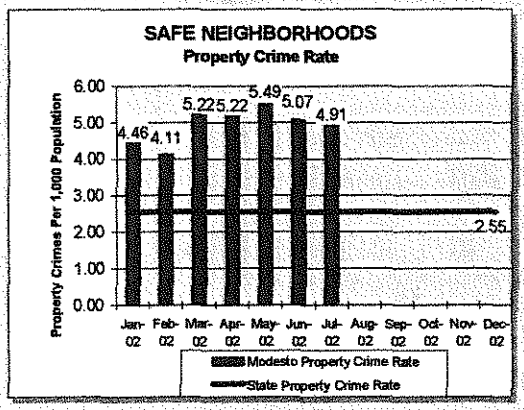
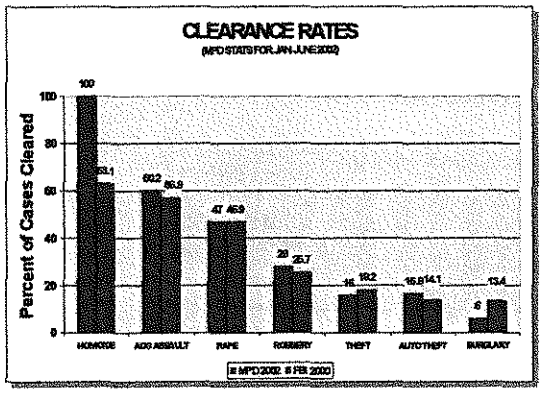
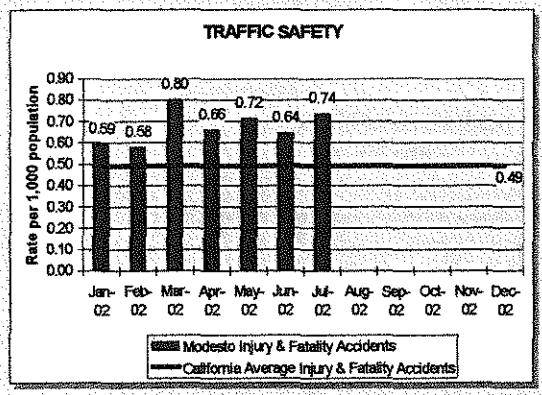
Key Efficiency Measures:

Performance Measure	Monthly Results	02-03 Target	Comments
PD-6. PATROL OFFICERS, CALLS FOR SERVICE AND POPULATION **What:** Number of sworn officers assigned to handle various patrol functions is equal to or greater than 1.0 per 1,000 residents. **Why:** Measures availability of officers to handle calls for service, community-oriented policing, traffic enforcement and other neighborhood crime related functions. **Strategic Plan Goals:** H.II.A., H.II.K., H.III.		Sworn officers assigned to patrol operations is equal to or greater than 1.0 per 1,000 residents.	The number of officers assigned to patrol has decreased in relation to population growth since 1998. Presently, the ratio is 0.8 per 1,000 residents. As the City continues to grow, more resources are needed to maintain the same level of service to our residents. ***Patrol functions include: Supervisors, patrol officers, tactical patrol officers, traffic officers and miscellaneous special enforcement units.***
PD-7. SAFE NEIGHBORHOODS **What:** Number of Part 1 Crimes committed per 1,000 population (**Part 1 Crime Rate**). *Part I Crimes include: murder, rape, assault, burglary, larceny and auto theft.* **Why:** Measures impact of Police Services on reducing the Part 1 Crime Rate. **Strategic Plan Goals**: H.II.K.		**Part 1 Crime Rate** is at or below the average Part 1 Crime Rate for California of 3.06 crimes per 1,000 population (2000).	Our Part 1 crime rate for 2002 exceeds the state average for 2000. This is a reflection of the overall economic downturn in the state, as well as the higher degree of crime reporting in our City. We will continue to monitor this trend as we put in place restorative policing measures.
PD-8. SAFE NEIGHBORHOODS **What:** Number of violent crimes against persons committed per 1,000 population (**Violent Crime Rate**). *Violent crimes include: homicide, rape, robbery and assault.* **Why:** Measures socioeconomic conditions which contribute to the various types of crime, and policing efforts to reduce that crime. **Strategic Plan Goal:** H.II.K.		City of Modesto's **Violent Crime Rate** is at below the average of for all California cities or .51 per 1,000 population per month (2000).	Our violent crime rate is consistently lower than that of the state as a whole. *Note: Socioeconomic conditions contribute to violent crime. Historically, proactive policing and prevention programs have had little effect on the violent crime rate, particularly with respect to "familiar" violent crimes.*

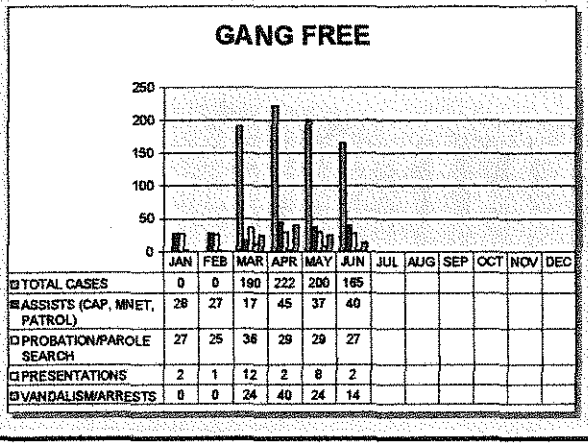
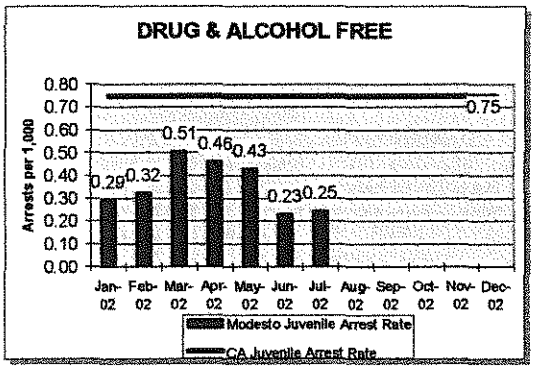
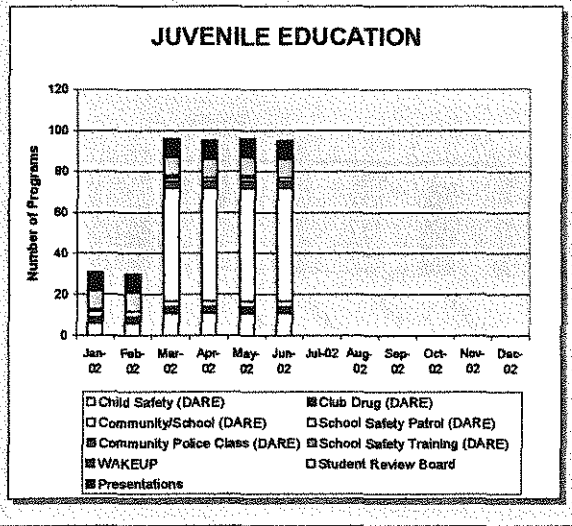
Healthy & Safe Communities

Quarterly Progress Report

Modesto: A healthy, safe, attractive, economically vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engaged in the practice of citizenship with governance based on the principle of stewardship.

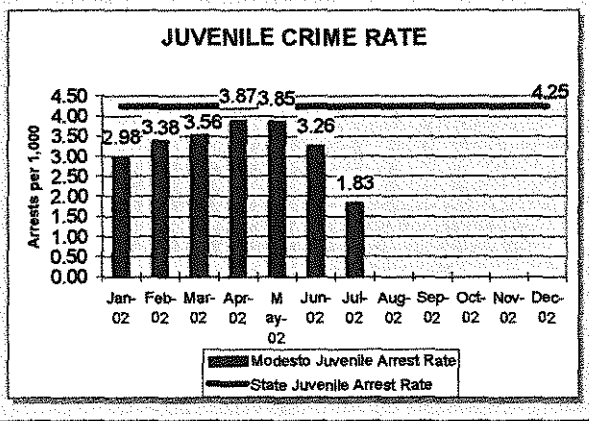
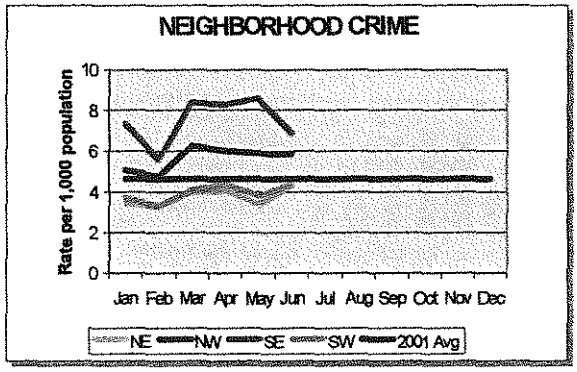
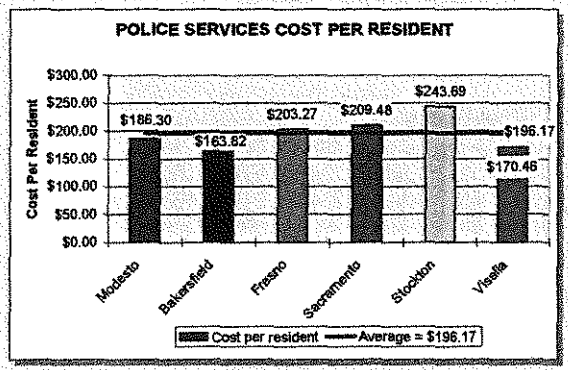
Performance Measure	Monthly Results	02-03 Target	Comments
PD-9. SAFE NEIGHBORHOODS **What:** Number of property crimes committed per 1,000 population (**Property Crime Rate**). *Property Crime Rate includes burglary, theft, and auto theft.* **Why:** Measures socioeconomic conditions which contribute to the various types of crime, and policing efforts to reduce that crime. **Strategic Plan Goal:** H.II.K.		City of Modesto's **Property Crime Rate** is at or less than the average for the state of 2.55 property crimes per 1,000 population per month (2000).	Our numbers exceed those in the state as a whole due to the large volume of smaller crimes that are reported here. We will work toward increasing sworn staffing ratios in order to reduce the property crime rate. *Note: Socioeconomic conditions play a major role in the property crime rate. Proactive policing efforts and prevention programs can have an impact on the property crime rate.*
PD-10. POLICE EFFICIENCY **What:** Percent of all cases that are cleared. **Why:** Clearance rate measures the effectiveness of initial (patrol officer) and follow-up (detective) investigations. **Strategic Plan Goal:** H.III.		City of Modesto clearance rate will be at or above the FBI Uniform Crime Report clearance rate (2000).	Overall, our clearance rates exceed those reported nationally as part of the FBI Uniform Crime Report.
PD-11. TRAFFIC SAFETY **What:** Number of injury-producing accidents and fatalities per 1,000 population. **Why:** Reflects success of traffic enforcement and prevention efforts in reducing traffic accidents and fatalities. **Strategic Plan Goal:** H.II.G.		City of Modesto injury and fatality producing accidents will be at or less than the state average of .49 accidents per 1,000.	We consistently exceed the state average for injuries and fatalities per 1,000 residents. Increasing our sworn officer percentage will enhance our ability to improve this measure. *Note: High profile traffic enforcement and prevention through public education are effective in reducing injury accidents.*

Key Efficiency Measures:

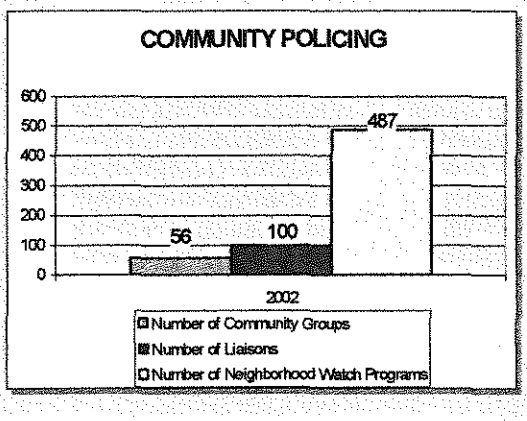
Performance Measure	Monthly Results	2002-2003 Target	Comments
PD-12. GANG FREE **What:** Gang unit activity is proactive and minimizes the influence of gangs in the City. **Why:** Many criminal offenses can be linked to gangs. By reducing gang behavior, the overall crime rate can be reduced. **Strategic Plan Goal:** H.V., H.II.K..		Under review. Our current reporting system does not provide for adequate tracking of gang-related data. This measure will be refined in the future.	The gang unit currently averages 190 cases per month. In addition, they provide prevention and education programs to students and parents.
PD-13. DRUG & ALCOHOL FREE **What:** Juvenile arrests per 1,000 juvenile population involving drugs & alcohol (felony / misdemeanor) **Why:** Measures enforcement and prevention efforts in eliminating drug and alcohol use by juveniles. **Strategic Plan Goal:** H.V., H.II.K..		Modesto's juvenile arrest rate involving drugs and alcohol is less than the state average of .75 per 1,000 juveniles per month (2000).	Our juvenile arrest rate is well below the state average.
PD-14. JUVENILE EDUCATION **What:** Number of juvenile education programs per month. **Why:** Demonstrates our commitment to juvenile crime prevention through education. **Strategic Plan Goal:** H.II.K..		Number of juvenile education programs per month averages 80.	During 2002, we have averaged 74 juvenile education programs per month. January and February numbers are lower due to school schedules.

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
TOTAL CASES	0	0	190	222	200	165						
ASSISTS (CAP, MNET, PATROL)	28	27	17	45	37	40						
PROBATION/PAROLE SEARCH	27	25	36	29	29	27						
PRESENTATIONS	2	1	12	2	8	2						
VANDALISM/ARRESTS	0	0	24	40	24	14						

Key Efficiency Measures:

Performance Measure	Monthly Results	2002-2003 Target	Comments
PD-15. JUVENILE CRIME RATE **What:** Juvenile arrests per 1,000 population (**Juvenile Crime Rate**). *Juvenile Crime Rate includes misdemeanors & felonies.* **Why:** Measures the City's commitment to crime prevention through a focus on enforcement and juvenile welfare. **Strategic Plan Goal:** H.II.A., H.V.		Juvenile arrest rate is less than the state average of 4.26 arrests per 1,000 population (2000).	Our juvenile arrest rate is less than the state average. We have implemented several programs which provide an alternative to traditional arrest / incarceration.
PD-16. NEIGHBORHOOD CRIME **What:** Property crime rate by area command (per 1,000 area command residents) **Why:** Measures impact of neighborhood watch, area command model and community policing on reducing neighborhood crime. **Strategic Plan Goal:** H.II.A.		No Area Command region exceeds the previous year average crime rate (4.64 per 1,000 per month) by more than 2%.	The majority of property crimes are thefts from vehicles and shoplifting. The Northwest Area has a heavy concentration of commercial establishments, as well as the MJC campus, grocery stores and hotels. The Southeast Area includes downtown, parking garages and the Yosemite commercial corridor. Other areas are primarily residential and the lower rates reflect this.
PD-17. POLICE SERVICES COST PER RESIDENT **What:** Cost per resident to deliver police services. **Why:** Measures the effectiveness of police services relative to budget. **Strategic Plan Goal:** H.III.		Police department budget per citizen is less than the average of the California cities of Bakersfield, Fresno, Sacramento, Stockton and Visalia.	Our cost for police services ($186.30) is less than the average of similar California cities ($196.17). Modesto ranks 4th of the comparison cities for cost per resident for police services. Comparison cities were selected based on their size, geographic proximity to and socio-economic similarities to Modesto.

Key Efficiency Measures:

Performance Measure	Monthly Results	2002-2003 Target	Comments
PD-18. COMMUNITY POLICING **What:** 1) Number of Liaisons with Community Organizations and 2) Number of Neighborhood Watch Programs **Why:** Illustrates department involvement with the community and the degree of community self reliance. **Strategic Plan Goal:** H.II.A., H.II.K.		1) MPD maintains liaisons with a minimum of 50 community organizations. 2) Modesto has at least 450 Neighborhood Watch programs.	The department is actively involved in empowering the community through community policing. Fully one-fourth of department personnel are liaisons with community groups. The number of Neighborhood Watch programs continues to grow and presently is 487.

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MODESTO CITY COUNCIL
RESOLUTION NUMBER 2002-497

A RESOLUTION AMENDING THE FISCAL YEAR 2002/03 BUDGET TO TRANSFER FUNDS FROM THE ASSET FORFEITURE TRUST FUND TO THE GENERAL FUND - POLICE OPERATIONS FOR THE PURCHASE OF FIVE CANINES

WHEREAS, there are three police canines, currently being retired, from the Police Department Canine Unit, and

WHEREAS, the Police Department needs to replace these dogs to maintain the canine unit at full capacity, and

WHEREAS, the Police Department wishes to add two drug detection canines to the Canine Unit to provide 24-hour drug detection coverage and enhance community safety, and

WHEREAS, costs, including travel to the kennel and air transport of the dogs, for these canines is $26,075, and

WHEREAS, the Asset Forfeiture Trust Fund has monies available for this purchase,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2002/03 Annual Budget is hereby amended as indicated below:

Appropriate:			
To:	0100-190-1961-5297	$26,075	Police Field Operations
Revenue:			
From:	0100-190-1961-7202	$26,075	Seized Forfeitures

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October 2002 by Councilmember Fisher who moved for its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote.

AYES:	Councilmember:	Conrad, Fisher, Frohman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmember:	None
ABSENT:	Councilmember:	Jackman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

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CITY OF MODESTO COUNCIL
RESOLUTION NO. 2002-498

RESOLUTION OF THE CITY OF MODESTO APPROVING THE PARKING COVENANT AGREEMENT BY AND BETWEEN THE CITY OF MODESTO ("CITY") AND THE COUNTY OF STANISLAUS ("COUNTY") GUARANTEEING FOR PUBLIC USE FORTY-FOUR (44) PARKING SPACES WITHIN THE STANISLAUS COUNTY PARKING GARAGE TO BE CONSTRUCTED ON 12TH STREET

WHEREAS, on August 8, 2002, the City and the County entered into a Property Sales Agreement ("Sales Agreement") which is attached to this resolution as "**Exhibit A**" and made a part herein by this reference, and

WHEREAS, pursuant to said Sales Agreement, the City will sell to the County a parcel located at the southeast corner of 12th and I Streets within the City of Modesto which is currently being used by the City as a 44-space parking lot for public use, and

WHEREAS, as a condition of said property sale, City desires to guarantee the use of a minimum of forty-four (44) parking spaces for the general public within the proposed County parking garage on 12th Street, between H Street and I Street, and

WHEREAS, in order to guarantee the use of said parking spaces by the general public, City and County have agreed to enter into this Parking Covenant that will be attached to the title of said parking garage and run with the land in perpetuity.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MODESTO that the Parking Covenant Agreement by and between the City of Modesto and Stanislaus County is hereby approved.

BE IT FURTHER RESOLVED BY THE COUNCIL that the City Manager is hereby authorized and directed to execute said Parking Covenant Agreement on behalf of the City of Modesto as set forth in this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October 2002 by Councilmember Fisher who moved for its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote.

AYES:	Councilmember:	Conrad, Fisher, Frohman, Keating, O'Bryant,
NOES:	Councilmember:	None
ABSENT:	Councilmember:	Jackman, Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)
APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

DRAFT

SITE PURCHASE AGREEMENT WITH ESCROW INSTRUCTIONS

This Site Purchase Agreement With Escrow Instructions ("Agreement") is entered as of September 24, 2002 between CITY OF MODESTO, A Municipal Corporation ("Seller"), and STANISLAUS COUNTY, A Political Subdivision of the State of California ("Purchaser").

RECITALS

A. Seller is the owner of the property located in the City of Modesto, Stanislaus County, California more particularly described on Exhibit "A" attached hereto ("Property").

B. Purchaser desires to purchase the Property and Seller desires to sell the Property on the terms and conditions in this Agreement.

For good and valuable consideration, the receipt and adequacy of which are acknowledged, the parties agree as follows:

1. Real Property.

(a) The Property includes all right, title and interest in the Property, including the parking areas, landscaping, improvements, fixtures, easements, surface and subsurface gas, oil, minerals and metals interests in the Property.

(b) The Property also includes copies of all plans, surveys, specifications and other documents pertaining to the physical, geological or environmental condition of the Property that are owned by or in the possession of Seller.

2. Purchase Price.

(a) The purchase price for the Property shall be Two Hundred Forty Five Thousand Dollars ($245,000) ("Purchase Price").

(b) Purchaser shall pay the entire Purchase Price in cash to Seller at Close of Escrow, as defined below. Purchaser shall not be required to pay any down payments or deposits.

3. Conveyance of Title. Seller agrees to convey, and Purchaser agrees to accept, subject to the conditions set forth herein, title to the Property by grant deed in the condition described in Section 9 (the "Deed").

4. Escrow. By this Agreement, Purchaser and Seller establish an escrow ("Escrow") with a title and escrow company to be selected by Purchaser ("Escrow Agent"), subject to Escrow Agent's standard escrow conditions and the terms and conditions in this Agreement, with a signed counterpart of this document to be delivered as escrow instructions to Escrow Agent. In the event of any conflict between the terms of this Agreement and Escrow Agent's standard escrow conditions, the terms of this Agreement shall control.

5. Conditions to Purchaser's Performance. Purchaser's obligation to perform under this Agreement is subject to the following conditions:

(a) Approval and full execution of the Memorandum of Agreement and the Termination Agreement between the City of Modesto, the Modesto Redevelopment Agency and Westland by no later than September 25, 2002.

(b) Approval and full execution of the Master Agreement between Purchaser, Stanislaus County Employees Retirement Association and Westland Development, LLC ("Westland") by no later than September 25, 2002.

(c) Approval and full execution of the Parking License Agreement between Purchaser and Westland by no later than September 25, 2002.

(d) Seller's representations and warranties in this Agreement being correct as of the date of this Agreement, as of the Close of Escrow and throughout the design and construction of the proposed office building and parking lot project on 12th Street.

(e) Escrow Agent's commitment to issue a CLTA Title Policy or ALTA Title Policy at the Close of Escrow, subject only to the Approved Exceptions (defined in Section 9);

(f) Approval by the Purchaser of the condition of title of the Property.

(g) Approval by the Purchaser of environmental condition of the Property, including any hazardous conditions affecting the Property.

(h) Publication of a "notice of intent" to purchase the Property in accordance with applicable provisions of the Government Code.

(i) Approval by the Board of Supervisors to purchase the Property after completion of the "notice of intent" to purchase real property.

6. Conditions to Seller's Performance. Seller's obligation to perform under this Agreement is subject to satisfaction of the following conditions:

(a) Purchaser's performance of all of the obligations which it is required to perform pursuant to this Agreement; and

(b) Approval and full execution of the Memorandum of Agreement and the Termination Agreement between the City of Modesto, the Modesto Redevelopment Agency and Westland by no later than September 25, 2002.

(c) Approval and full execution of the Master Agreement between Purchaser and Westland Development, LLC ("Westland") by no later than September 25, 2002.

(d) Approval and full execution of the Parking License Agreement between Purchaser and Westland by no later than September 25, 2002.

7. Failure of Conditions. In the event of a failure of any of the conditions set forth in Sections 5 and 6, above, this agreement shall terminate without liability or obligation to either party, provided, however, that the parties may mutually agree to waive or extend the time limits of any of the conditions set forth in Sections 5 and 6.

8. Access.

(a) Access to the Property until Close of Escrow shall be given to Purchaser, its agents, employees or contractors during normal business hours, at their own cost and risk, for any purposes, including, but not limited to, for inspection of the Property and for planning purposes. Purchaser shall indemnify and defend Seller against and hold Seller harmless from all losses, costs, damages, liabilities and expenses, including, without limitation, reasonable attorney fees arising out of Purchaser's entry onto the Property or any activity thereon by Purchaser or its agents, employees or contractors prior to the Close of Escrow except to the extent any such losses, costs, damages, liabilities and expenses arise out of the gross negligence or willful acts of Seller.

(b) Purchaser and its agents, employees and contractors shall have the right, from the date of this Agreement until the Close of Escrow, to contact any federal, state or local governmental authority or agency to investigate any matters relating to the Property. Seller agrees to cooperate reasonably with Purchaser and its agents, employees and contractors in the inspection of the Property and any processing of governmental permits, and agrees to deliver to Purchaser all information in Seller's possession or control pertaining to the condition of the Property, including engineering and environmental reports, studies, tests, monitoring results and related documentation.

9. Title.

(a) Seller has caused Escrow Agent to issue to Purchaser a preliminary report for a CLTA or ALTA Title Policy for the Property, as designated by Purchaser, setting forth all liens, encumbrances, easements, restrictions, conditions, pending litigation, judgments, administrative proceedings and other matters affecting Seller's title to the Property ("Preliminary Report"), together with copies of all documents relating to title exceptions referred to in the Preliminary Report. Title to the property shall be transferred to Purchaser free and clear of all liens and encumbrances, except the following approved exceptions:

(i) assessments of the Modesto Irrigation District, provided all such assessments are paid current by Seller at Close of Escrow;

(ii) the terms and conditions of that certain Redevelopment Project as disclosed by that certain plan for the amended Modesto Redevelopment Project, recorded November 27, 1991, as Instrument No. 94041.

10. Close of Escrow.

(a) Title. Simultaneously with the Close of Escrow, Escrow Agent shall issue:

(i) A CLTA or ALTA Policy of Title Insurance ("Title Policy"), as designated by Purchaser, insuring Purchaser in the amount of the Purchase Price, subject only to the following matters ("Approved Exceptions"):

(A) Matters of record approved by Purchaser pursuant to Section 9.

(ii) Purchaser must make its election to obtain an ALTA Title Policy in lieu of a CLTA Title Policy in a timely manner such that the Escrow Agent is prepared to issue such Title Policy at least twenty (20) days prior to Close of Escrow. Purchaser's failure to make a timely election as herein set forth shall be deemed an election of acceptance of a CLTA Title Policy. Purchaser shall obtain and pay for any required ALTA survey.

(b) Seller's Deposits Into Escrow. Seller shall deposit with Escrow Agent on or prior to Close of Escrow the following documents:

(i) The Deed executed and acknowledged by Seller conveying to Purchaser good and marketable fee simple title to the Property, subject only to the Approved Exceptions;

(ii) Seller's affidavit of nonforeign status as contemplated by Section 1445 of the Internal Revenue Code of 1986, as amended ("FIRPTA Affidavit"); and

(iii) Seller's affidavit as contemplated by the Revenue and Taxation Code §§ 18805 and 26131 ("Withholding Affidavit").

(c) Closing Date. The conveyance of the Property to Purchaser and the closing of this transaction ("Close of Escrow") shall take place within ten (10) days following the satisfaction of the conditions set forth in Sections 5 and 6. If any of the conditions set forth in Sections 5 and 6 are not satisfied, then either party may terminate this Agreement, provided such party is not otherwise in default hereunder, upon written notice to the other party and to Escrow Agent.

(d) Escrow Agent's Duties. On the Close of Escrow, Escrow Agent shall close Escrow as follows:

(i) Record the Deed (marked for return to Purchaser) in the Official Records of Stanislaus County;

(ii) Issue the CLTA or ALTA Title Policy described herein;

(iii) Disburse to Seller the Purchase Price less prorated amounts and charges to be paid by or on behalf of Seller;

(iv) Charge Purchaser for those costs and expenses to be paid by Purchaser pursuant to this Agreement and disburse any net funds remaining after the preceding disbursements to Purchaser;

(v) Prepare and deliver to both Purchaser and Seller one signed copy of Escrow Agent's closing statement showing all receipts and disbursements of the Escrow; and

(vi) Deliver to Purchaser the FIRPTA Affidavit and the Withholding Affidavit.

If Escrow Agent is unable to simultaneously perform all of the instructions set forth above, Escrow Agent shall notify Purchaser and Seller and retain all funds and documents pending receipt of further instructions jointly issued by Purchaser and Seller.

(e) Prorations. Escrow Agent shall prorate the following costs at the Close of Escrow:

(i) Seller shall pay:

(A) one-half (1/2) of all governmental conveyancing fees;

(B) the premium for the CLTA Title Policy in the amount of the Purchase Price, or, if Purchaser chooses an ALTA Title Policy, that portion of the premium of the ALTA Title Policy equal to the cost of the premium for a CLTA Title Policy; and

(C) one-half (1/2) of the escrow fee charged by Escrow Agent.

(ii) Purchaser shall pay:

(A) one-half (1/2) of all governmental conveyancing fees;

(B) the recording charges in connection with recordation of all documents under this Agreement;

(C) that portion of the premium for an ALTA Title Policy in the amount of the Purchase Price that exceeds the cost of a CLTA Title Policy, if Purchaser chooses an ALTA Title Policy; and

(D) one-half (1/2) of the escrow fee charged by Escrow Agent.

(iii) Taxes, Bonds and Assessments. Seller shall satisfy by Close of Escrow all liens, bonds and assessments encumbering any of the Property.

(f) Possession. Possession of the Property shall be delivered to Purchaser at Close of Escrow. Purchaser shall be responsible for all utilities and other operational expenses concerning the Property as of Close of Escrow, and Seller shall be entitled to refunds of any utility deposits.

11. Damage and Destruction. If any portion of the Property is damaged by earthquake, mudslide, fire or any other casualty (other than any damage caused by Purchaser or its employees, agents, or contractors), prior to the Close of Escrow, Purchaser shall proceed with the purchase of the Property, in which event this Agreement shall remain in full force and effect, and Seller shall pay or assign to Purchaser any amount due from or paid by any insurance company or any other party as a result of the damage, and the cost of repairing or correcting such damage or the amount of loss of value in the Property as determined by an appraiser suitable to both parties, whichever is less, shall be credited against the Purchase Price and shall reduce the amount payable at Close of Escrow.

12. Seller's Representations and Warranties. Except as disclosed to Purchaser in writing prior to September 24, 2002 Seller represents and warrants to Purchaser that as of the date of this Agreement and as of the Close of Escrow, to the best of Seller's knowledge:

(a) Hazardous Substances. Seller has disclosed to Purchaser all information, records and studies in Seller's possession in connection with the Property concerning Hazardous Substances. The City shall be responsible to remediate any adverse hazardous conditions contained in the environmental reports dated before September 25, 2002. If the City for any reason is unable or otherwise elects not remediate any such condition, the County may elect to accept the Property in its "as is" condition, or may elect to terminate this Agreement. "Hazardous Substances" includes without limitation: those substances included within the definitions of "hazardous substance," "hazardous waste," "hazardous material," "toxic substance," "solid waste," or "pollutant or contaminant" in CERCLA, RCRA, TSCA, HMTA or under any other Environmental Law; those substances listed in the United States Department of Transportation (DOT) Table *[49 CFR 172.101]*, or by the Environmental Protection Agency (EPA), or any successor agency, as hazardous substances *[40 CFR Part 302]*; other substances, materials and wastes that are or become regulated or classified as hazardous or toxic under federal, state or local laws or regulations; and any material, waste or substance that is a petroleum or refined petroleum product, asbestos, polychlorinated biphenyl, designated as a hazardous substance pursuant to 33 USCS § 1321 or listed pursuant to 33 USCS § 1317, a flammable explosive, or a radioactive material. "Environmental Laws" means all federal, state, local or municipal laws, rules, orders, regulations, statutes, ordinances, codes, decrees or requirements of

any government authority regulating, relating to or imposing liability or standards of conduct concerning any Hazardous Substances or pertaining to occupational health, industrial hygiene or occupational or environmental conditions on, under or about the Property, as now in effect or subsequently enacted.

(b) Violations of Law. Seller has received no notice from any governmental agency with jurisdiction that any condition on the Property violates any health, safety, fire, environmental, sewage, building or other federal, state or local law, code, ordinance or regulation.

(c) Leases. No leases, licenses or other agreements allowing any third party rights to use the Property are or will be in force.

(d) Litigation. There is no pending or, to Seller's actual knowledge, threatened litigation, administrative proceeding or other legal or governmental action with respect to the Property.

(e) Condition of Property.

(i) There are no natural or artificial conditions upon the Property or any part of the Property that could result in a material and adverse change in the condition of the Property; and

(ii) There are no pipelines or easements on the Property not disclosed by the Preliminary Report, or, if there exist pipelines or easements undisclosed in the Preliminary Report, Seller will immediately inform Purchaser in writing of same.

(f) Disclosure. All information that Seller has delivered to Purchaser is accurate and Seller has disclosed all material facts concerning the condition of the Property and conditions of development affecting the Property.

(g) No Conditions of Development. The City acknowledges and agrees that the County and Stanislaus County Employee's Retirement Association are exempt from the City's building and zoning regulations (Government Code Section 53091). Therefore, as a material covenant to this Agreement, the City represents and warrants that it will impose no conditions of development or capital facility fees on the design, construction or development of the office building or parking garage project other than routine encroachment permits, water and sewer connection fees, provided, however, it is acknowledged that the City's building and zoning regulations shall apply to the construction of tenant improvements by private developer for the benefit of its private condominium interest.

(h) Consistency with the General Plan. The City acknowledges and agrees that the proposed office building and parking garage project are consistent with the City of Modesto's General Plan.

(i) Notice. Seller shall promptly notify Purchaser of any fact ("new fact") that would cause any of the representations contained in this Agreement to be untrue as of the Close of Escrow. If Purchaser reasonably concludes that any new fact materially and adversely affects the Property, Purchaser shall have the option to terminate this Agreement by delivering written notice to Seller and Escrow Agent.

(j) Indemnification. Seller agrees to indemnify Purchaser and agrees to defend and hold Purchaser harmless from all loss, cost, liability, expense, damage or other injury, including without limitation, attorney fees and expenses, to the fullest extent not prohibited by applicable law, and all other costs and expenses incurred by reason of, or in any manner resulting from the breach of any warranties and representations in this Section, and all third-party claims arising out of or related to any new fact with respect to the period prior to the Close of Escrow, provided any such loss, cost, liability, expense, damage or other injury or third-party claim arises during the period ending twelve (12) months after Purchaser's occupancy in the Property.

13. Seller's Covenants. Commencing with the full execution of this Agreement by both parties and until the Close of Escrow:

(a) Seller shall not permit any liens, encumbrances or easements to be placed on the Property, other than the Approved Exceptions, nor shall Seller enter into any agreement regarding the sale, rental, management, repair, improvement or any other matter affecting the Property that would be binding on Purchaser or the Property after the Close of Escrow without the prior written consent of Purchaser.

(b) Seller shall not permit any act of waste or act that would tend to diminish the value of the Property for any reason, except that caused by ordinary wear and tear.

(c) Seller shall maintain the Property in its present condition, subject to ordinary wear and tear, including servicing fixtures, until Close of Escrow.

14. Authority of Parties.

(a) Seller warrants that this Agreement and all other documents delivered prior to or at the Close of Escrow:

(i) have been authorized, executed and delivered by Seller;

(ii) are binding obligations of Seller;

(iii) are collectively sufficient to transfer all of Seller's rights to the Property; and

(iv) do not violate the provisions of any agreement to which Seller is a party or which affects the Property, nor knowingly violate any local, state or federal ordinances, laws or regulations.

(b) Purchaser warrants that this Agreement and all other documents delivered prior to or on the Close of Escrow

(i) have been authorized, executed and delivered by Purchaser;

(ii) are binding obligations of Purchaser; and

(iii) do not violate the provisions of any agreement to which Purchaser is a party, nor knowingly violate any local, state or federal ordinances, laws or regulations.

(c) The parties warrant that the persons executing this Agreement on their behalf are authorized to do so, and on execution of this Agreement, this Agreement shall be valid and enforceable against Purchaser or Seller in accordance with this Agreement.

15. Further Assurances. Purchaser and Seller agree that at any time or from time to time after the execution of this Agreement, they will execute and deliver such further reasonable documents and undertake such other reasonable actions at no out-of-pocket cost or expense to the party performing such actions (except as otherwise specifically provided herein) as the other party may reasonably request in order to effect fully the purposes of this Agreement.

16. Brokers. No realtors or brokers are involved in this transaction. Each party agrees to defend, indemnify and hold harmless the other party from any claims, expenses, costs or liabilities arising in connection with a breach of that party's representations in this Section.

17. No Assignment. Neither party shall have the right to assign any of its rights or interests under this Agreement to any third party without the written consent of the other party hereto, which consent may not unreasonably be withheld.

18. Notices. All notices to be given under this Agreement shall be in writing and sent by

(a) certified mail, return receipt requested, in which case notice shall be deemed delivered three (3) business days after deposit, postage prepaid in the United States Mail,

(b) a nationally recognized overnight courier, in which case notice shall be deemed delivered one (1) business day after deposit with that courier,

(c) hand delivery, in which case notice shall be deemed delivered upon receipt, or

(d) telecopy or similar means if a copy of the notice is also sent by United States Certified Mail, in which case notice shall be deemed delivered on transmittal by telecopier or other similar means, provided that a transmission report is generated by reflecting the accurate transmission of the notices, as follows:

Seller:	*Purchaser:*
City of Modesto	Stanislaus County
Office of City Manager	Chief Executive Officer
Jack Crist	Reagan M. Wilson
1010 10th Street, Suite 6100	1010 10th Street, Suite 6800
Modesto, CA 95354	Modesto, CA 95354
Fax (209)571-5128	Fax (209)525-4033

or to such other address as Purchaser or Seller may respectively designate by written notice to the other.

19. Entire Agreement. This Agreement and the documents referenced herein contain the entire agreement between the parties to this Agreement and shall not be modified in any manner except by an instrument in writing executed by the parties or their respective successors in interest.

20. Severability. If any term or provision of this Agreement shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement shall not be affected.

21. Waivers. A waiver or breach of covenant or provision in this Agreement shall not be deemed a waiver of any other covenant or provision in this Agreement, and no waiver shall be valid unless in writing and executed by the waiving party. An extension of time for performance of any obligation or act shall not be deemed an extension of the time for performance of any other obligation or act.

22. Construction. The section headings and captions of this Agreement are, and the arrangement of this instrument is, for the sole convenience of the parties to this Agreement. The section headings, captions and arrangement of this instrument do not in any way affect, limit, amplify or modify the terms and provisions of this Agreement. The singular form shall include plural, and vice versa. This Agreement shall not be construed as if it had been prepared by one of the parties, but rather as if both parties have prepared it. Unless otherwise indicated, all references to sections are to this Agreement. All exhibits referred to in this Agreement are attached to it and incorporated in it by this reference.

23. Merger. All of the terms, provisions, representations, warranties and covenants of the parties under this Agreement shall survive the Close of Escrow and shall not be merged in the Deed or other documents.

24. Counterparts. This Agreement may be executed in one or more counterparts. Each shall be deemed an original and all, taken together, shall constitute one and the same instrument.

25. Time of the Essence. Time is of the essence in this Agreement.

26. Successors. This Agreement shall inure to the benefit of and shall be binding upon the parties to this Agreement and their respective heirs, successors and assigns.

27. Governing Law. This Agreement shall be governed and construed in accordance with California law.

The parties have executed this Agreement as of the date first written above.

Seller:

CITY OF MODESTO, A Municipal Corporation

By: JACK CRIST
City Manager

Approved as to form:

MICHAEL D. MILICH
City Attorney

Purchaser:

STANISLAUS COUNTY, A Political Subdivision of the State of California

By: REAGAN M. WILSON
Chief Executive Officer

Approved as to form:

MICHAEL H. KRAUSNICK
County Counsel

EXHIBIT B

DRAFT

Recording Requested By And
When Recorded Return To:

Draft

County of Stanislaus
c/o Chief Executive Office
1010 10th Street, Suite 6800
Modesto, CA 95354

(Space above this line for Recorder's use only.)

PUBLIC PARKING COVENANT

THIS Public Parking Covenant is made this 8th day of October, 2002, by and between THE COUNTY OF STANISLAUS, a political subdivision of the State of California (referred to herein as "Grantor"), and the City of Modesto, a Charter City (referred to herein as "Grantee").

WITNESSETH

WHEREAS, Grantor is the owner of that certain real property located in Modesto, California (A.P.N. _____), more particularly described on Exhibit "A" attached hereto (the "Property").

WHEREAS, Grantor intends to build, own and manage a parking garage on the Property.

WHEREAS, Grantee has requested, and Grantor has agreed to dedicate 44 spaces to public parking on the ground floor of the parking garage.

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged, Grantor and Grantee agree as follows:

1. Grantor hereby agrees to dedicate 44 spaces on the ground floor of the parking garage to public parking. Said public parking spaces shall be owned and managed by the County. In the event the County charges a fee for the use of said public parking spaces, said fee shall not exceed the fee generally charged by the Grantee for public parking in the City of Modesto.

2. This covenant shall become effective upon completion of the parking garage, and shall remain in effect for so long as the parking garage is used for that purpose.

3. The rights granted under this Agreement shall run with the land and inure to the benefit of and be binding upon Grantor and Grantee, their respective heirs, administrators, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date first hereinabove written.

Grantor:

COUNTY OF STANISLAUS, a political subdivision of the State of California

By: REAGAN M. WILSON
Chief Executive Officer

Approved as to form:

MICHAEL H. KRAUSNICK
Stanislaus County Counsel

Grantee:

CITY OF MODESTO

By: JACK CRIST
City Manager

Approved as to form:

MICHAEL D. Milich
City Attorney

State of California)
) ss.
County of _____)

On _____, before me, _____,

personally appeared _____,

☐ personally known to me
OR
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity on behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

_____
Signature of Notary Public

State of California)
) ss.
County of _____)

On _____, before me, _____,

personally appeared _____

☐ personally known to me
OR
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity on behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

_____
Signature of Notary Public

EXHIBIT A

DISPOSITION AND DEVELOPMENT AGREEMENT

EXHIBIT A

TERMINATION AGREEMENT

This Termination Agreement (this "Agreement") is made as of _____, 2002, by and among the REDEVELOPMENT AGENCY OF THE CITY OF MODESTO (the "Agency") and WESTLAND DEVELOPMENT COMPANY, LLC (the "Developer"), with reference to the following facts:

WHEREAS, the Agency and Developer entered into a Disposition and Development Agreement (the "DDA"), dated as of September 1, 2000, a copy of which is attached hereto as Exhibit A, providing for, among other things, the sale by the Agency to the Developer of certain real property located at the corner of 12th Street and I Street in the City of Modesto (the "Site"), and development on the Site of a multi-story professional office building with possible retail or restaurant uses designated for the first floor (the "Office Project"), and the office uses were anticipated to be leased to the County of Stanislaus (the "County"); and

WHEREAS, the Site is currently owned by the City, and improved with a City-owned surface parking lot consisting of 44 parking spaces (the "City Parking Spaces"), all of which was intended to be acquired by the Agency from the City for purposes of redevelopment pursuant to the terms and conditions set forth in the DDA; and

WHEREAS, the DDA further provided that parking for the Office Project, together with replacement of the City Parking Spaces, were to be provided in a Parking Garage (the "Parking Garage") to be constructed by the County on certain adjacent property owned by the County (the "Parking Garage Parcel"), and certain financial contributions by the Agency for the construction of the Parking Garage; and

WHEREAS, based on current conditions and circumstances, and the further planning and decisions of the Agency, Developer, City and County, all of said parties have entered into a memorandum of agreement (the "Memorandum of Agreement") providing for and including, among other things: (i) a purchase and sale agreement (the "Site Purchase Agreement") between the City and County, pursuant to which the City will sell to the County, and the County will acquire from the City, the Site, including the City Parking Spaces, for purposes of construction by the County of an office building (the "County Office Project"); (ii) a purchase and sale agreement between the County and Developer (the "Retail Space Purchase Agreement") pursuant to which the Developer will purchase airspace subdivision rights on the ground floor of the County Office Project (the "Retail Parcel") and will develop and occupy said space as office retail space (the "Retail Improvements"); (iii) development by the County of the Parking Garage on the Parking Garage Parcel, including approximately 550 to 650 parking spaces, and dedication of 44 spaces within the Parking Garage to the City for public parking, to replace the City Parking Spaces currently located on the Site; (iv) a license agreement (the "Parking License Agreement") between the County, Developer

and the Agency, pursuant to which the Developer will pay for and obtain a license to use a portion of the parking spaces in the Parking Garage to support the Retail Improvements, and the Agency will provide certain financial contributions toward the construction of the Parking Garage; and (v) termination of the existing DDA; and

WHEREAS, in furtherance of the Memorandum of Agreement, and in consideration of the agreements of the parties contained in the Memorandum of Agreement, and all the agreements and documents provided for or referenced therein, the Agency and Developer enter into this agreement for the purpose of terminating the DDA;

NOW THEREFORE, the Agency and Developer agree as follows:

1. Termination of DDA. The parties hereby agree that upon execution of this Agreement, the DDA is hereby terminated and shall have no further force and effect, except as otherwise set forth herein.

2. Return of Deposit. Within ten (10) days following execution of this Agreement by the Agency, the Agency shall return to the Developer the Fifty Thousand Dollars ($50,000) Deposit previously delivered by the Developer to the Agency pursuant to Section 108 of the DDA, together with interest (if any) paid thereon.

3. Effect. This Agreement shall become effective following execution of this Agreement by both parties.

4. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which, when taken together, shall be considered one and the same instrument.

AGENCY:

DATE:_____, 2002

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO

By: _____

Its: _____

ATTEST:

By: _____
Secretary

APPROVED AS TO FORM:

By: _____
Agency Counsel

DEVELOPER:

DATE:_____, 2002

WESTLAND DEVELOPMENT COMPANY, LLC, a California limited liability company

By: _____

Its: _____

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-499

A RESOLUTION AUTHORIZING STAFF TO SOLICIT PROPOSALS FOR A CONTRACT TO OPERATE THE MODESTO AREA DIAL-A-RIDE (MADAR) SERVICE CONCURRENTLY WITH THE CITY OF CERES AND THE COUNTY OF STANISLAUS' SOLICITATION FOR SIMILAR SERVICES.

WHEREAS, the existing agreement with Storer Transit Services to operate the Modesto Area Dial-A-Ride (MADAR) service expires June 13, 2003, and

WHEREAS, the City wishes to continue providing Dial-A-Ride service to the citizens of Modesto, and

WHEREAS, the Federal Transit Administration (FTA) recommends that bus service contracts be re-bid every five years, and

WHEREAS, combining the City of Modesto's solicitation for these services with the solicitations for similar services provided by the City of Ceres and County of Stanislaus may attract more interest from transit operating firms, and

WHEREAS, a combined solicitation potentially will increase competition and result in reduced costs to each entity, and

WHEREAS, by agenda report to the City Council dated September 17, 2002, from the Engineering and Transportation Director, recommended solicitation of proposals for a new Dial-A-Ride operations contract, and

WHEREAS, on September 9, 2002, the Economic Development Committee reviewed this proposal and recommended solicitation of proposals concurrently with the City of Ceres and County of Stanislaus.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that City staff is hereby authorized to solicit proposals for the operation of the Modesto Area Dial-A-Ride service concurrently with solicitations by the City of Ceres and County of Stanislaus for similar services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Jackman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-500

A RESOLUTION AMENDING AN AGREEMENT WITH STORER TRANSIT SYSTEMS TO EXTEND THE TERMINATION DATE OF THE AGREEMENT TO OPERATE THE MODESTO AREA DIAL-A-RIDE (MADAR) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the existing agreement with Storer Transit Systems to operate the Modesto Area Dial-A-Ride (MADAR) service expires June 13, 2003, and

WHEREAS, the City wishes to continue providing Dial-A-Ride service to the citizens of Modesto utilizing Storer Transit Systems through June 27, 2003, to facilitate transition to a new contract for the operation of MADAR, and

WHEREAS, Storer Transit Systems agrees to an extension of the termination date of the existing agreement, and

WHEREAS, on September 9, 2002, the Economic Development Committee recommended approval of the amendment to agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the existing contract with Storer Transit Systems to extend the termination date of the contract to operate MADAR to June 27, 2003, on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager or his designee, is hereby authorized to execute the amendment to the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Jackman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-501

A RESOLUTION APPOINTING A MEMBER OF THE CITY COUNCIL TO OBSERVE THE INTERVIEWS AND PROPOSAL EVALUATION PANEL MEETINGS RELATED TO THE PROCUREMENT OF A CONTRACT TO OPERATE THE MODESTO AREA DIAL-A-RIDE (MADAR) SERVICE.

WHEREAS, the existing agreement with Storer Transit Services to operate the Modesto Area Dial-A-Ride (MADAR) service expires June 13, 2003, and

WHEREAS, the City wishes to continue providing Dial-A-Ride service to the citizens of Modesto, and

WHEREAS, the Federal Transit Administration (FTA) recommends that bus service contracts be rebid every five years, and

WHEREAS, by agenda report to the City Council dated September 17, 2002, from the Engineering and Transportation Director, staff recommended solicitation of proposals for a new Dial-A-Ride operations contract, and

WHEREAS, on September 9, 2002, the Economic Development Committee reviewed this proposal and recommended solicitation of proposals concurrently with the City of Ceres and County of Stanislaus, and

WHEREAS, on October 8, 2002, the Council of the City of Modesto authorized staff to solicit proposals for the operation of the MADAR service concurrently with solicitations by the City of Ceres and County of Stanislaus for similar services, and

WHEREAS, staff believes City Council discussion of the merits of each proposal might benefit from the presence of a member of the Council at the proposer interviews and evaluation panel meetings,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Council Member Jackman and a citizen to be selected by staff are hereby appointed to observe the proposer interviews and evaluation panel meetings related to the procurement of services for the operation of the Modesto Area Dial-A-Ride.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Jackman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 -502

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS FOR RED LIGHT CAMERAS AT MAJOR INTERSECTIONS THROUGHOUT THE CITY OF MODESTO

WHEREAS, the Police Department is continuing its strong stance with regard to traffic enforcement throughout the city, and

WHEREAS, Modesto leads the State in cities of similar size for speed related traffic collisions and fatalities, and

WHEREAS, the Police Department is looking for new and innovative ways to help reduce the number of collisions in the city, and

WHEREAS, the Police Department has researched the use of red light cameras for major intersections throughout the city, and

WHEREAS, red light cameras have the capability of photographing a violation as well as video taping a violation, and

WHEREAS, the Police Department could review each violation captured on film and either accept the violation or dismiss it, and

WHEREAS, once a violation has been accepted, the violator would be sent a citation in the mail, and

WHEREAS, the statistics provided by some of the red light system vendors report a 45 - 70 percent reduction in collisions where red light cameras are being used, and

WHEREAS, Special attention to red light violations provides **Targeted Traffic Enforcement,** as called for in Action H.II.G.1.d. of the Healthy and Safe Action Plan, and

WHEREAS, there will be no cost to the City of Modesto for red light cameras as firms supplying, installing and maintaining these cameras do so for a percentage of the citation revenue, and

WHEREAS, the Safety and Communities Committee received an informational report concerning red light cameras at its meeting of September 4, 2002, and the Committee endorsed the concept,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes City staff to proceed with a Request for Proposals, for Red Light Cameras for major intersections in the City of Modesto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Council hereby appoints Councilmember Keating to work with Staff to develop the Request for Proposals.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2002, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Jackman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-503

Print

A RESOLUTION AUTHORIZING THE PURCHASE OF SOFTWARE AND RELATED EQUIPMENT FOR A COUNCIL VOTING SYSTEM IN AN AMOUNT NOT TO EXCEED $8000.00

WHEREAS, Vice Mayor Conrad has requested that a Council voting system and timed speaker address system be purchased, and

WHEREAS, said system can be used for displaying Council votes on motions and for the timing of public comments during Council meetings, and

WHEREAS, the Purchasing Division has researched and obtained competitive quotations on said systems, and

WHEREAS, the Purchasing Division based on technology and cost effectiveness has made a recommendation to purchase a system that uses infrared vs hard-wired technology , and

WHEREAS, the infrared technology voting system is more versatile and will be able to be used in committee meeting scenarios as well, should the Council choose to so, and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the purchase of software and related equipment for a Council voting system in an amount not to exceed $8,000.00 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Fisher
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO 2002-504

Was Not Used

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-505

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to establish the following classifications:

Operations and Maintenance Crewleader

As a result of a Crewleader classification consolidation, per Article 50 (d) of the Memorandum of Understanding between the City and the Modesto City Employees' Association dated August 1, 2000 thru July 25, 2005.

Budget Analyst I/II

As a result of the first step of a reorganization within the Finance Department.

The specification for the miscellaneous classification of Operations and Maintenance Crewleader, (Range 124), as shown on the Attached **Exhibit "A",** and the specification for Budget Analyst I/II (Range 431 and Range 434), as shown on attached **Exhibit "B"**, assigned to the Management and Confidential Bargaining Unit, which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Planning Assistant

Senior Planner

These classifications are being amended as a result of a job audit completed for each classification. The specification for the classification of Planning Assistant, as shown as **Exhibit "C"**, and the specification for the classification of Senior Planner, as shown on the attached **Exhibit "D"** which are hereby made a part of this resolution by reference, are hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 3. CLASSIFICATIONS DELETED. The Position Classification Plan of the City of Modesto is hereby amended to delete the following classifications:

Equipment Crewleader

Maintenance Mechanic Crewleader – Pumps

Wastewater Collection System Crewleader

Budget Analyst

Senior Budget Analyst

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after October 22, 2002.

The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
Operations and Maintenance Crewleader
NO. 6148

OCTOBER 2002

Exhibit "A"

OPERATIONS AND MAINTENANCE CREWLEADER

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are **not** intended to reflect all duties performed within the job.

DEFINITION

Crewleaders assign work, train, and provide field supervision of crews engaged in a variety of water, storm/wastewater, streets, and urban forestry operations, maintenance, repair and/or construction work; and to provide lead worker assistance to supervisory and/or management staff.

SUPERVISION RECEIVED AND EXERCISED

Receives supervision from supervisory and management staff.

Exercises direct field supervision over crews engaged in maintenance and repair activities.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

Essential and other important responsibilities may include, but are not limited to, the following:

Provide field supervision to crews involved in a variety of water, storm/wastewater, streets, sidewalks, and urban forestry operations, maintenance, repair and/or construction work.

Assist in the design, planning, prioritizing, assignment, and inspection of various maintenance, repair, and construction projects.

Provide feedback to supervisory staff regarding field performance of crews for the purpose of evaluating employee performance.

Assist in developing and monitoring of the Division budget.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies through coaching.
Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Participate and encourage work unit participation in team building activities including self-directed work teams.

Operate and oversee the operation of a full range of heavy and light equipment as needed such as backhoes, loaders, dump trucks, rollers, tractors, vactor trucks, aerial towers and various trucks.

Maintain time, material and equipment use records; prepare various reports related to work activities including technical reports in response to regulatory activities.

Prepare project cost estimates; requisition supplies and materials.

When assigned to utility divisions, may assist in activities that ensure adherence to environmental quality standards.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices, equipment and elements of construction technology as they relate to the assigned operations, construction, maintenance and repair activities.

Types and level of maintenance and repair activities generally performed in streets, water, storm/wastewater collection, fleet, park or urban forestry program.

Principles of personnel supervision and training.

Safe work practices; regulatory safety programs and procedures.

Pertinent sections of health, safety and labor codes.

Word processing and spreadsheet applications and Internet usage necessary for job performance.

English composition and technical report writing.

Cost accounting.

Ability to:

Plan, estimate, direct, coordinate, schedule and review the work of others.

Operate and maintain equipment and tools used in the field.

Identify and implement effective courses of action to complete assigned work; use lead by example methodology.

Keep records and make reports.

Lead by example and train assigned staff.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative-working relationships with those contacted in the course of work.

Coordinate work assignments with other divisions, departments, and agencies and volunteer groups.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible experience performing utility operations, construction and maintenance work in the assigned area of responsibility (such as utility infrastructure, sidewalks, parks, or urban forestry).

Training:

Formal or informal education that ensures the ability to read, write, and communicate at a level necessary for successful job performance.

License or Certificate:

Possession of, or ability to obtain, a valid Class B California driver's license with applicable endorsements.

When Assigned to Streets and Traffic Operations:
Any employees hired, transferred, or promoted into this position shall possess a work zone safety certificate from International Municipal Signal Association (IMSA), Traffic Control Supervisor Association (TCSA), International Transportation Engineers (ITE), American Public Works Association (APWA), or the American Traffic Safety Services Association (ATSSA) at time of final filing.

When Assigned to Water Distribution:
Possession of a Grade II water distribution operator certificate issued by the State of California at time of final filing.

Possession of a Grade I water treatment certificate issued by the State of California within one year of appointment.

Possession of a certificate issued by the American Water Works Association (AWWA) for backflow device testing and/or Grade I Water Conservation Practitioner is highly desirable.

When Assigned to Urban Forestry:
Possession of a Pesticide Applicator's Certificate within one year of appointment.

When Assigned to Wastewater Collections:
Any employees hired, transferred, or promoted into this position shall possess a Grade II Certificate Wastewater Collection System Maintenance Technologist issued by the California Water Environment Association (CWEA) at time of final filing.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site; hot and cold temperatures; inclement weather.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.

CITY OF MODESTO
Budget Analyst I/II
No. 3524
No. 3523

OCTOBER 2002

Exhibit "B"

BUDGET ANALYST I/II

DEFINITION

To assist the Finance Director in formulating the City's annual operating and multi-year capital improvement budgets; to evaluate all phases of the budget progress during execution phase; to analyze cost, revenue, and relevant economic data; and to recommend improvements to budget systems and procedures.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Deputy Finance Director.

May exercise direct supervision over technical and clerical staff in assigned area.

DISTINGUISHING CHARACTERISTICS

Budget Analyst I: This is the entry-level class in the Budget Analyst series. This class is distinguished from Budget Analyst II by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Budget Analyst II: This is the full professional level class within the Budget Analyst series. Employees within this class are distinguished from the Budget Officer I by the performance of the full range of duties as assigned. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit. Positions in this class are flexibly staffed and are normally filled by advancement form the I, or when filled from the outside, require prior work experience directly related to the area of assignment.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Review and update the City's budget manual and supplemental procedures; originate

communication and distribute budget preparation materials to departments; ensure the timely submission of all source information and review input for completeness and accuracy.

Schedule budget preparation tasks to meet established deadlines; coordinate budget related matters with departments and provide training and guidance when necessary.

Prepare enterprise fund and internal service fund budgets.

Calculate cost and revenue forecasts; maintain statistical and economic data influencing estimates; prepare worksheets, schedules and exhibits comprising the formal budget documents.

Evaluate the budget during the execution phase; identify variances requiring corrective action.

Prepare staff reports and special analyses as required.

Verify availability of funds to finance intended departmental and Council actions; research and evaluate potential revenue sources.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities; develop and test new budget techniques and concepts.

Conduct special projects in the budget area as directed; assume full responsibility for completion of such projects that may require extensive work with other departments or outside organizations.

In addition to the preceding, when assigned as Budget Analyst II:

Participate in the selection of staff; provide or coordinate staff training; may serve as lead worker over other professional staff.

Act in the absence of the Budget Office.

Serve as a liaison with the accounting division to insure that internal controls are maintained and that the budget is prepared in accordance with generally accepted accounting principles.

Insure that staff work is complete for all budget related items placed on the Council

Marginal Functions

Perform related duties as assigned

QUALIFICATIONS

Budget Analyst I

Knowledge of:

Principles and practices of budget preparation and administration.

Principles and practices of organization, administration and personnel management.

Computer applications including spreadsheet, database, word processing and presentation software.

Pertinent Federal, State, and local laws, codes and regulations.

Technical report writing styles.

Basic statistical techniques.

Budget Analyst II

Knowledge of:

Principles of supervision, training and performance evaluation.

Principles and practices of municipal accounting, and budget preparation and control.

Methods and techniques involved in conducting analytical studies of administrative and management practices and procedures.

Read and interpret complex laws and regulations impacting city financial activities.

General relationships between local, state and federal governments, public interest groups and private enterprise as the affect the City.

Budget Analyst I

Ability to:

Assist in the preparation of operating and capital improvement budgets.

Conduct feasibility studies, analyze and review fiscal data in order to develop forecasts, trends and analysis.

Research, analyze and make effective recommendations on budgetary and fiscal practices.

Prepare clear and concise reports, records, correspondence and other written materials.

Estimate and project revenues and expenditures.

Work and control sensitive, confidential information on assignments.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Budget Analyst II

Ability to:

Supervise, train and evaluate assigned staff.

Make clear oral presentations.

Budget Analyst I/II

Skill in:

Use of modern office equipment, including computers, computer applications and software.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Budget Analyst I

Experience:

One year of responsible budget preparation or analysis experience.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with mayor course work in business administration, public administration or a related field.

License or Certificate:

Possession of or the ability to obtain an appropriate, valid California Driver's License.

Budget Analyst II

Experience:

Three years of responsible budget preparation or analysis experience. Experience including public sector budget preparation is highly desirable.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in business administration, public administration or a related field.

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical conditions necessary for sitting for prolonged periods of time, operating a personnel computer and other office equipment.

CITY OF MODESTO
Planning Assistant
No. 3330

OCTOBER, 2002

Exhibit "C"

PLANNING ASSISTANT

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To provide complex technical assistance and support to the professional planning staff; to provide training and guidance to less experienced technical planning personnel; and to provide procedural and factual information to the public.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level planning staff.

May exercise technical supervision over less experienced technical staff in assigned area.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Answer questions and provide information to the public; interpret the zoning code for the general public and developers.

Assist with the processing of annexations; research background information on tax assessments, registered voters, availability of utilities and public services, property owner sentiment, and logical boundaries.

Conduct field surveys regarding property owner sentiment and land use.

Assist in the processing of parcel and subdivision maps; check for completeness, code violations, environmental assessment requirements, and other pertinent data.

Assist in reviewing applications for zoning changes.
Compile zoning history, size and development features for specific parcels of land.

Perform administrative review of planning applications including lot line adjustments and second story additions.

Work with the City's GIS system to integrate planning data into the system. Work on the Planning Division's website to update information and provide new information.

Design and prepare graphic artwork such as brochures, illustration and covers for reports, posters, lettering charts and signs for wall displays; develop initial design and layout sketches; meet with other City personnel to discuss and evaluate graphic needs; maintain an inventory of graphics supplies and materials.

Perform the most difficult duties in revising and updating the City zoning map; provide training and guidance to Planning Technicians in updating and drafting maps.

Interpret property descriptions; prepare planning documents.

Assist in the preparation of a variety of agenda reports and planning resolutions.

Oversee the updating and maintenance of files and records.

Perform related duties as assigned.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, practices and trends in planning and land use.

Pertinent Federal, State, and local laws, codes and regulations.

Principles, practices and techniques of drafting and graphic design.

Statistical and engineering practices as applied to planning.

Computer programs such as AutoCAD, GIS, Excel, and Word.

Ability to:

Prepare maps, graphs, charts, site plans, and other descriptive material using difficult lettering, tracing, drafting and layouts.

Gather and prepare data pertaining to planning and zoning.

Assist with the preparation of comprehensive reports and planning resolutions.

Provide information to the public, developers and realtors regarding planning and zoning regulation.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of responsible technical planning experience.

Training:

Equivalent to the completion of the twelfth grade. Additional specialized training in drafting, graphic design, urban planning, surveying, engineering, mathematics, computer science, the physical sciences or a related field is desirable.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Office and field environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing, moving or sitting for prolonged periods of time; operating a motor vehicle, using a personal computer.

CITY OF MODESTO
Senior Planner
No. 3132

OCTOBER, 2002

Exhibit "D"

SENIOR PLANNER

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To perform advanced level professional planning work; to provide technical and functional supervision to professional, technical and clerical planning staff; and to provide responsible staff assistance to the Planning and Community Development Director.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Principal Planner.

Exercises direct supervision over professional, technical and clerical staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

– Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Develop and present recommendations on various development proposals and applications; prepare appropriate planning, statistical, financial and narrative reports.

Act as project or program leader for general plan elements, environmental impact reports, comprehensive plans and other special planning studies involving utilization of planning disciplines such as transportation, urban design, capital facilities, environmental analysis, growth management, zoning and land use regulation.

Research, review and analyze economic, social and physical data affecting land use and community development.

Confer with engineers, developers, architects, a variety of agencies and the general public in acquiring information and coordinating planning and zoning matters; provide information regarding City development requirements.

Interpret and apply environmental quality laws and regulations to ensure that development proposals, City projects and municipal code amendments are in compliance with State and Federal laws.

Prepare general plan elements and amendments; make recommendations concerning long-range planning projects, including annexations, specific plans, specific plan amendments, precise plans or complex subdivisions.

Perform extensive research regarding implementation of policies established by the general plan, zoning ordinance, or other land use and development ordinances.

Provide staff support to a variety of boards and commissions; attend and participate in professional groups and committees.

Provide information to the public regarding zoning, land use and the general plan; monitor the plan check activities of Department staff; participate in public meetings as necessary.

Provide lead supervision and technical assistance to professional and technical planning staff.

Assist in preparing request for proposals, consultant selection, contract preparation and management.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

May assist in preparing the budget; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; assist in monitoring and tracking the approved budget.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of urban planning and development.

Methods and techniques of effective technical report preparation and

presentation.

Research methods and sources of information related to urban growth and development.

Recent developments, current literature and sources of information related to municipal planning and administration.
Pertinent Federal, State, and local laws, codes and regulations, including the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), State Planning and Zoning Law, State Subdivision Map Act and Cortese-Knox-Hertzberg Local Government Reorganization Act.

Ability to:

Analyze site design, terrain constraints, circulation, land use compatibility, utilities and other urban services.

Ensure project compliance with Federal, State and local rules, laws and regulations.

Interpret and apply pertinent laws, rules and regulations.

Collect, analyze, interpret and apply data to various planning projects.

Organize and conduct research studies; prepare concise technical reports; prepare maps, charts, and other graphic material for effective presentations.

Prepare and analyze technical and administrative reports, statements and correspondence.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Utilize computer software programs including word processing, spreadsheets, and website Internet searches.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required

knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of responsible professional urban planning experience.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in planning, public or business administration or a related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Membership in the American Institute of Certified Planners (AICP) is desirable.

WORKING CONDITIONS

Environmental Conditions:

Office and field environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing, moving, or sitting for prolonged periods of time; operating a motor vehicle, using a personal computer.

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-506

Print

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2002-307 TO AMEND THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGE FOR THE CLASSIFICATION OF BUDGET ANALYST I/II, AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO AMEND THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGE FOR THE CLASSIFICATION OF OPERATIONS AND MAINTENANCE CREWLEADER EFFECTIVE OCTOBER 22, 2002.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2002-307, and Exhibit "A" of Resolution No. 95-26,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. AMENDMENT TO RESOLUTION NO. 2002-307. Exhibit "A" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 18, 2002", is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective October 22, 2002, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" establishes the salary range for Budget Analyst I at Range 431 and Budget Analyst II at Range 434.

SECTION 2. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," attached to Resolution No. 95-26, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective October 22, 2002" which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the Class Range Table to establish a salary range for Operations And Maintenance Crewleader (Range 124).

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after October 22, 2002.

The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO **Exhibit "A"**
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **October 22, 2002**

RANGE	TITLE
403	Administrative Office Assistant I (Confidential)
407	Administrative Office Assistant II (Confidential)
408	
409	
410	
411	Administrative Office Assistant III (Confidential) Police Clerk II (Confidential)
412	
413	Senior Personnel Clerk
414	
415	Senior Administrative Office Assistant (Confidential)
416	
417	
418	Legal Secretary
419	Police Training and Records Technician (Confidential) Public Information Technician (Confidential)
420	Accountant I (Confidential) Deputy City Clerk Employee Benefits Coordinator Executive Secretary Legal Services Technician Systems Technician Workers' Compensation Claims Examiner I
421	

RANGE	TITLE
422	Office Supervisor Utility Dispatch Supervisor
423	Custodian Supervisor
424	Assistant Planner Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant Paralegal
426	Police Support Services Supervisor Stores Manager
427	Assistant City Clerk/Auditor Legal Services Administrator
428	Accountant II Customer Services Specialist Customer Services Supervisor Senior Buyer
429	
430	Associate Planner Events Supervisor I Junior Civil Engineer Senior Crime Analyst Social Services Program Supervisor
431	Administrative Analyst II Assistant Risk Manager **Budget Analyst I** Geographic Information Systems Analyst Personnel Analyst Recycling Program Coordinator Senior Community Development Program Specialist Systems Analyst

RANGE	TITLE
432	Communications Specialist
	Industrial Waste Supervisor
	Neighborhood Preservation Supervisor
	Operations and Maintenance Supervisor
	Plant Maintenance Supervisor
	Recreation Supervisor II
	Secondary Treatment Facilities Supervisor
	Senior Accountant
	Water Quality Control Operations Supervisor
	Youth Program Supervisor
433	Organizational Development Specialist
434	Arborist
	Assistant Civil Engineer
	Assistant Traffic Engineer
	Budget Analyst II
	Electrical Supervisor
	Events Supervisor II
	Geographic Information Systems Coordinator
	Operations Supervisor
	SCADA Supervisor
	Senior Housing Rehabilitation Specialist
	Senior Programmer Analyst
435	Business Analyst
	Cultural Services Manager
	Integrated Waste Specialist
	Management Analyst
	Senior Personnel Analyst
436	Senior Planner
437	Deputy City Attorney I

RANGE	TITLE
438	Budget Officer
	Communications and Marketing Manager
	Development and Operations Coordinator
	Financial/Investment Officer
	Housing Program Supervisor
	Land Surveyor
	Property Agent
	Purchasing Supervisor
	Systems Engineer
	Transportation Planner
439	Administrative Services Officer
	Community Facilities Districts Administrative Officer
440	Associate Civil Engineer
	Associate Traffic Engineer
441	Airport Manager
	Assistant Personnel Director
	Building Maintenance Superintendent
	Deputy City Attorney II
	Fire Marshal
	Fleet Manager
	Golf Services Manager
	Parks Operations Superintendent
	Parks Planning and Development Manager
	Police Records Manager
	Recreation Superintendent
	Risk Manager
	Solid Waste Program Manager
	Streets Engineer
	Transit Manager
	Urban Forestry Superintendent
	Wastewater Collections Superintendent
	Water Superintendent
442	Customer Services Division Manager
	Information Services Manager
	Manager of Budget and Financial Analysis
	Supervising Building Inspector
	Supervising Construction Inspector

RANGE	TITLE
443	Senior Deputy City Attorney I
444	Business Development Manager Deputy Chief Building Official General Services Manager Principal Planner
445	Accounting Division Manager Housing and Neighborhoods Division Manager
446	Water Quality Control Superintendent
447	Assistant to City Manager Chief Building Official Planning Division Manager Senior Civil Engineer Traffic Engineer
448	
449	Senior Deputy City Attorney II
450	
451	
452	Deputy Director – Cultural and Enterprise Services Deputy Director – Engineering & Transportation Deputy Director of Finance Deputy Director – Operations and Maintenance Deputy Director – Recreation and Neighborhoods
453	
455	Assistant City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective, **October 22, 2002**

Exhibit "A"
Continued

RANGE	TITLE
101	Custodian I Maintenance Aide
103	Administrative Office Assistant I
104	
105	
106	
107	Administrative Office Assistant II Custodian II Police Clerk I
108	
109	
110	Animal Control Officer I Equipment Service Worker I Maintenance Worker I
111	Account Clerk Administrative Office Assistant III Evidence and Property Specialist Police Clerk II
112	
113	Computer Operator Drafting and Graphics Technician
114	Electrical Technician I Equipment Service Worker II Maintenance Worker II Production Technician Storeskeeper

RANGE	TITLE
115	Accounting Technician
	Animal Control Officer II
	Assistant to the Events Coordinator
	Code Enforcement Officer I
	Community Service Officer I
	Planning Technician I
	Senior Administrative Office Assistant
	Wastewater Treatment Plant Attendant
116	Equipment Operator
	Fire Prevention Technician I
	Motor Sweeper Operator
	Traffic Operations Technician
	Used Oil Coordinator
	Wastewater Collection System Operator
	Water Distribution System Operator
117	Electrical Technician II
118	Fleet Procurement Specialist
	Parking Lot Maintenance Crewleader
	Parks Crewleader
	Recreation Coordinator
	Senior Storeskeeper
	Tree Trimmer
119	Assistant Buyer
	Building Maintenance Mechanic
	Civil Engineering Technician I
	Code Enforcement Officer II
	Community Service Officer II
	Maintenance Mechanic – Parks
	Maintenance Mechanic – Pumps
	Planning Technician II
	Public Information Technician
	Wastewater Treatment Plant Operator

RANGE	TITLE
120	Accountant I
	Assistant Electrician
	Equipment Mechanic
	Fire Prevention Technician II
	Laboratory Analyst I
	Meter Reader Crewleader
	Senior Equipment Operator
	Traffic Painter Crewleader
	Welder/Fabricator
121	Wastewater Treatment Plant Relief Operator
122	Coach Mechanic
	Cross Connection Specialist
	Fire Equipment Mechanic
	Industrial Waste Inspector I
	Programmer Analyst I
	Tree Trimmer Crewleader
	Water Conservation Specialist
123	Airport Maintenance Crewleader
	Civil Engineering Technician II
	Identification Technician I
	Maintenance Mechanic Crewleader – Parks
124	Community Development Program Specialist I
	Equipment Mechanic Crewleader
	Laboratory Analyst II
	Operations and Maintenance Crewleader
	Planning Assistant
	Plant Mechanic
125	Crime Analyst
126	Building Inspector I
	Coach Mechanic Crewleader
	Electrician
	Housing Financial Specialist
	Housing Rehabilitation Specialist I
	Industrial Waste Inspector II
127	Civil Engineering Assistant
	Identification Technician II

RANGE	TITLE
	Senior Fire Equipment Mechanic
128	Community Development Program Specialist II Instrument Repair Technician Programmer Analyst II Sr. Wastewater Treatment Plant Operator
129	
130	Building Inspector II Construction Inspector Hazardous Material Program Coordinator Housing Rehabilitation Specialist II Project Coordinator
131	Sr. Civil Engineering Assistant
132	
133	
134	Deputy Fire Marshal Plan Review Engineer Senior Building Inspector Senior Construction Inspector

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-507

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to establish the following classification:

Security Officer

As a result of a recommendation by the JPA Management Committee to create in-house security for the building, plaza and parking garages surrounding 10th Street Place. The job specification for the miscellaneous classification of Security Officer, (Range 110) as shown on the Attached **Exhibit "A"**, which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Law Enforcement Academy Recruit
Police Officer Trainee
Police Officer

These classifications are being amended as a result of modifications made to the job descriptions for each classification. The specification for the classification of Law Enforcement Academy Recruit, as shown as **Exhibit "B"** and the specification for the classification of Police Officer Trainee/Police Officer, as shown on the attached **Exhibit "C"** which are hereby made a part of this resolution by reference, are hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after October 22, 2002.

The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO

No.7157

OCTOBER 2002

Exhibit "A"

SECURITY OFFICER

Class specifications are intended to present a descriptive list of the range of duties preformed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

Under general supervision, to perform a variety of non-peace officer tasks including security patrol, surveillance, report writing, security system monitoring, fire system-monitoring, radio and telephone communications, internal and external customer service and detaining of suspects as appropriate.

SUPERVISION RECEIVED AND EXERCISED

Receives immediate supervision from higher level supervisory and management staff, including sworn personnel.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS: Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Observe, report and detain possible suspects committing crimes, vandalism or disturbing the peace within the immediate area of assignment until arrival of sworn peace officers.
Gather information and write a variety of reports relating to assigned area of responsibility.
Maintain records and process a variety of forms.
Direct traffic within assigned parking garages and lots.
Enforce applicable municipal code and vehicle code provisions related to parking and traffic.
Observe and report hazardous conditions, obstructions to traffic in assigned parking garages.
Direct emergency responses to the needed location.
Patrol city and county parking garages, buildings, building perimeters, and outdoor plaza areas to prevent vandalism, theft, and disturbances and to assist citizens.

Communicate with law enforcement via radio using call signs and codes. Greet visitors and provide directions and assistance to citizens using the facilities.
Provide factual information regarding city or unit activities or functions.
Provide security assistance for special events as assigned

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Basic personal computer operations and software.
Basic locations and functions of municipal and county government offices.
Procedures and work methods required to perform the full range of assigned duties safely and efficiently.
Procedures and techniques for assisting the public in a tactful, customer service manner.
English composition and technical report writing.
Safe work practices.

Skill in:

Interpreting and applying pertinent laws, codes and regulations.
Exercising sound judgment.
Understanding and carrying out written and oral instructions.
Establishing and maintaining cooperative-working relationships with those contacted in the course of work.
Communicating tactfully and effectively with the public and remaining calm, following designated protocols in stressful and/or emergency situations.
Keeping records and making reports.
Reading and interpreting maps.

Ability to:

Demonstrate proficiency in using and understanding radio codes and call signs used by the Police Department, Sheriff's Office and Stanislaus Regional 911 Center.

Operate standard equipment including a personal computer and 2-way radio.
Maintain accurate records.
Use and operate personal computers and common computer applications.
Perform all duties with little or no supervision; understand and practice safety techniques.

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

One-year experience working with the public in a security enforcement capacity. Experience including the enforcement of city, county or state codes or ordinances for a public agency is highly desirable.

Training:

Equivalent to graduation from high school.

License or Certificate:

Must possess and maintain a valid California driver's license and have a satisfactory driving record; and be able to pass a background investigation.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site. Hot and cold temperatures; inclement weather.

Physical Conditions:

Essential and marginal function may require lifting / carrying objects of up to 75 pounds of weight, maintaining physical condition necessary for walking, running or standing for prolonged periods of time; operation of motorized equipment and vehicles.

Work Assignment:

Wear a City-approved uniform and related equipment. Subject to irregular work shifts including working any shift in a 24-hour day, weekends and holidays; be available on call.

CITY OF MODESTO
NO. 7121

SEPTEMBER, 2001
Exhibit "B"

LAW ENFORCEMENT ACADEMY RECRUIT

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DISTINGUISHING CHARACTERISTICS

A non-sworn classification structured for incumbents hired for the purpose of becoming sworn police officers, but who have not yet entered or not yet completed the California POST-certified Basic Law Enforcement Academy.

DEFINITION

To participate in a Peace Officers Standards and Training (POST) – certified Basic Law Enforcement Academy, resulting in graduation and certification, to enable the individual to become a sworn Police Officer Trainee with the City.

SUPERVISION RECEIVED EXERCISED

Receives general supervision from higher level supervisory and management staff and from training staff at a POST-certified Basic Law Enforcement Academy.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions

Attend classroom activities, participate in both the learning process and in interactions with students and faculty resulting in achieving a passing grade on all classroom requirements.

Complete classroom assignments and projects as required.

Participate in physical activities resulting in achieving a passing grade on the POST physical agility exam.

Participate in firearms course resulting in achieving a qualifying score for firearms qualification under California Penal Code Section 832.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Ability to:

Learn proper Police procedures and methods.

Analyze situations quickly and objectively, and determine and take emergency and/or appropriate action.

Understand and carry out oral and written instructions.

Communicate effectively, both orally and in writing.

Learn the operation of standard equipment and facilities required in the performance of assigned tasks including a computer.

Type at a reasonable speed necessary for successful job performance (25 wpm).

Learn standard broadcasting procedures of a police radio system including mobile dispatch terminals.

Participate in strenuous physical activities including sufficient strength, endurance and body flexibility to accomplish classroom requirements. This includes the ability to lift and carry up to 75 pounds of weight.

Prepare accurate and grammatically correct written reports.

Successful completion of a POST-certified Basic Law Enforcement Academy including classroom instruction, physical agility and use of firearms.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

None required.

Training:

Equivalent to the completion of the twelfth grade and completion of a minimum of ~~30~~ 15 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

License or Certificate

Possession of an appropriate, valid California driver's license.

Additional Requirement:

Minimum of 20 years of age at time of application.

Possession of an appropriate typing certificate at 25 WPM from a recognized agency.

WORKING CONDITIONS

Environmental Conditions:

Classroom and Field environment.

Physical Conditions:

Requires maintaining physical condition necessary for walking or standing for prolonged periods of time and for participating in strenuous physical activity; operating motorized equipment and vehicles.

CITY OF MODESTO

NO. 7115

NO. 7120

OCTOBER 2001

Exhibit "C"

POLICE OFFICER/POLICE OFFICER TRAINEE

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To perform law enforcement and crime prevention work; to control traffic flow and enforce State and local municipal codes, violations and traffic regulations; to perform investigative work; to participate in and provide support and assistance to special crime prevention and enforcement programs; and to perform a variety of technical and administrative tasks in support of the department.

DISTINGUISHING CHARACTERISTICS

Police Officer Trainee - This is the entry-level class in the sworn Police Officer series. This class is distinguished from the Police Officer by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Police Officer - This is the full journey level class within the Police Officer series. Employees within this class are distinguished from the Police Officer Trainee by the performance of the full range of duties as assigned including the full range of law enforcement work. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED EXERCISED

Receives general supervision from higher level supervisory and management staff.

Exercises technical supervision over non-sworn personnel.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions

Patrol a designated area of the City to preserve law and order, discover and prevent the commission of crimes, and enforce traffic and other laws and ordinances; assist stranded motorists.

Essential Functions (Continued)

Answer calls and complaints involving automobile accidents, robberies, and related misdemeanors and felonies; render first aid as required.

Respond to general public service calls including animal complaints, domestic disturbances, civil complaints, property control, and related incidents.

Collect, process, photograph and present evidence using scientific techniques including fingerprints, fibers, blood, and related physical evidence.

Check buildings for physical security.

Serve as Field Training Officer as assigned; train new officers on departmental policies, procedures and activities.

Enforce traffic laws and ordinances; check speed with radar; issue warnings and citations.

Direct traffic at fire, special events, and other emergency or congested situations.

Conduct investigations of serious injury and fatality traffic accidents.

Conduct traffic accident analyses and general traffic surveys.

Conduct a variety of criminal investigations involving crimes against persons and property, auto theft, white-collar crime, and narcotics; gather evidence and prepare cases for prosecution.

Identify suspects; conduct interviews and interrogations; apprehend and arrest offenders.

Teach bicycle safety in accordance with State agencies.

Contact and interview victims and witnesses; preserve and investigate crime scenes.

Conduct covert, undercover investigations as assigned.

Contact and cooperate with other law enforcement agencies in matters relating to the apprehension of offenders and the investigation of offenses.

Maintain contact with citizens regarding potential law enforcement problems and preserve good relationships with the general public; take an active role in areas of public education relative to crime and crime prevention.

Assist in the performance of special investigative and crime prevention duties as required.

Essential Functions (Continued)

Prepare reports on arrests made, activities performed and unusual incidents observed.

Make arrests as necessary; interview victims, complainants and witnesses; interrogate suspects; administer polygraph tests; gather and preserve evidence; testify and present evidence in court.

Serve warrants within the department and with outside agencies; remain current on laws and procedures required for processing warrants.

Serve as Assistant Squad Leader performing the duties of a Police Sergeant as assigned; act as Watch Commander; review and approve the reports of other Police Officers.

Perform a wide variety of laboratory tests and procedures including those related to narcotics testing; act as Department photographer; testify in court as an expert witness.

Serve as Department Training Manager; review and assess training needs and available programs; oversee and coordinate the attendance of Departmental staff at training programs and seminars; research policies and procedures related to training activities.

Serve as Crime Prevention Officer; oversee and coordinate crime prevention activities; make presentations to local citizens and community groups.

Serve as Intelligence Officer or Gang Officer; gather crime related intelligence information and conduct background investigations; coordinate information and activities with outside agencies and jurisdictions.

Investigate juvenile related crimes including child abuse and juvenile narcotics; coordinate youth services with outside agencies and organizations including local school districts; conduct community presentations and instruct assigned classes.

Participate in recruiting sworn staff; conduct background investigations; interview potential job candidates and references; administer voice stress analysis tests.

Give oral presentations at schools, clubs and other community organizations.

Act as Department court liaison.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Police Officer Trainee

Ability to:

Learn proper Police procedures and methods.

Analyze situations quickly and objectively, and determine and take emergency and/or appropriate action.

Understand and carry out oral and written instructions.

Communicate effectively, both orally and in writing.

Learn the operation of standard equipment and facilities required in the performance of assigned tasks including a computer.

Type at a reasonable speed necessary for successful job performance (25 wpm).

Learn standard broadcasting procedures of a police radio system including mobile dispatch terminals.

Meet the physical requirements established by the Department.

Prepare accurate and grammatically correct written reports.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

None required.

Training:

Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

License or Certificate

Possession of an appropriate, valid California driver's license.

Completion of a P.O.S.T.-certified Basic Law Enforcement Academy at time of final filing. Certificate must be dated within three years of final filing date.

Additional Requirement:

Minimum of 21 years of age at time of application.

Police Officer

In addition to the qualifications for Police Officer Trainee:

Knowledge of:

Police methods and procedures including patrol, crime prevention, traffic control, investigation and identification techniques.

Criminal law and criminal procedure with particular reference to the apprehension, arrest and custody of persons committing misdemeanors and felonies, including rules of evidence pertaining to the seizure and preservation of evidence.

Offensive and defensive weapons nomenclature and theory.

Self defense tactics.

First aid and CPR procedures and practices.

Interviewing and interrogation techniques.

Ability to:

Use and care for firearms.

Use maps and learn City geography.

Handle multiple assignments.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

One year experience in a California law enforcement agency, which requires a Basic POST certificate.

Training:

Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

Police Officer

Experience and Training Guidelines

License or Certificate

Possession of an appropriate, valid California driver's license. Possession of a Basic POST Certificate from the State of California.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-508

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO AMEND THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGE FOR THE CLASSIFICATION OF SECURITY OFFICER EFFECTIVE OCTOBER 22, 2002.

WHEREAS, the City Council desires to amend **Exhibit "A"** of Resolution No. 95-26,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. AMENDMENT TO RESOLUTION NO. 95-26. **Exhibit "A"** entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," attached to Resolution No. 95-26, is hereby amended as shown on the amended **Exhibit "A"** entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective October 22, 2002" which is attached hereto and made a part hereof as though set forth in full herein. Said amended **Exhibit "A"** revises the Class Range Table to establish a salary range for Security Officer (Salary Range 110).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 22, 2002.

The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Exhibit "A"

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective, **October 22, 2002**

RANGE	TITLE
101	Custodian I Maintenance Aide
103	Administrative Office Assistant I
104	
105	
106	
107	Administrative Office Assistant II Custodian II Police Clerk I
108	
109	
110	Animal Control Officer I **Security Officer** Equipment Service Worker I Maintenance Worker I
111	Account Clerk Administrative Office Assistant III Evidence and Property Specialist Police Clerk II
112	
113	Computer Operator Drafting and Graphics Technician
114	Electrical Technician I Equipment Service Worker II Maintenance Worker II Production Technician Storeskeeper

RANGE	TITLE
115	Accounting Technician
	Animal Control Officer II
	Assistant to the Events Coordinator
	Code Enforcement Officer I
	Community Service Officer I
	Planning Technician I
	Senior Administrative Office Assistant
	Wastewater Treatment Plant Attendant
116	Equipment Operator
	Fire Prevention Technician I
	Motor Sweeper Operator
	Traffic Operations Technician
	Used Oil Coordinator
	Wastewater Collection System Operator
	Water Distribution System Operator
117	Electrical Technician II
118	Fleet Procurement Specialist
	Parking Lot Maintenance Crewleader
	Parks Crewleader
	Recreation Coordinator
	Senior Storeskeeper
	Tree Trimmer
119	Assistant Buyer
	Building Maintenance Mechanic
	Civil Engineering Technician I
	Code Enforcement Officer II
	Community Service Officer II
	Maintenance Mechanic – Parks
	Maintenance Mechanic – Pumps
	Planning Technician II
	Public Information Technician
	Wastewater Treatment Plant Operator

RANGE	TITLE
120	Accountant I
	Assistant Electrician
	Equipment Mechanic
	Fire Prevention Technician II
	Laboratory Analyst I
	Meter Reader Crewleader
	Senior Equipment Operator
	Traffic Painter Crewleader
	Welder/Fabricator
121	Wastewater Treatment Plant Relief Operator
122	Coach Mechanic
	Cross Connection Specialist
	Fire Equipment Mechanic
	Industrial Waste Inspector I
	Programmer Analyst I
	Tree Trimmer Crewleader
	Water Conservation Specialist
123	Airport Maintenance Crewleader
	Civil Engineering Technician II
	Identification Technician I
	Maintenance Mechanic Crewleader – Parks
124	Community Development Program Specialist I
	Equipment Mechanic Crewleader
	Laboratory Analyst II
	Operation and Maintenance Crewleader
	Planning Assistant
	Plant Mechanic
125	Crime Analyst
126	Building Inspector I
	Coach Mechanic Crewleader
	Electrician
	Housing Financial Specialist
	Housing Rehabilitation Specialist I
	Industrial Waste Inspector II

RANGE	TITLE
127	Civil Engineering Assistant Identification Technician II Senior Fire Equipment Mechanic
128	Community Development Program Specialist II Instrument Repair Technician Programmer Analyst II Sr. Wastewater Treatment Plant Operator
129	
130	Building Inspector II Construction Inspector Hazardous Material Program Coordinator Housing Rehabilitation Specialist II Project Coordinator
131	Sr. Civil Engineering Assistant
132	
133	
134	Deputy Fire Marshal Plan Review Engineer Senior Building Inspector Senior Construction Inspector

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-509

A RESOLUTION AWARDING A BID TO CONTINENTAL LANDSCAPE, INC. OF MODESTO, CA., FOR LANDSCAPE MAINTENANCE SERVICES IN THE AMOUNT OF $34,908.00 AND AUTHORIZING THE PURCHASING SUPERVISOR TO ISSUE AN ANNUAL AGREEMENT TO CONTINENTAL LANDSCAPE FOR FY 2002-2003,WITH THE OPTION OF TWO (2) ADDITIONAL, ONE-YEAR CONTRACT EXTENSION OPTIONS IN THE AMOUNT OF $34,908.00.

WHEREAS, the Operations and Maintenance Department-Wastewater Collections, Water Quality Control (WQC) Primary and Secondary Plants requested the purchase of Landscape Maintenance Services for FY 2002/2003, with the option of two (2) additional, one-year contract extensions, and

WHEREAS, the Purchasing Division researched previous costs for landscaping maintenance services for Water Quality Control Primary and Secondary and found the cost to be less than $50,000, and

WHEREAS, it was later determined that Wastewater Collections also required landscape maintenance services, and

WHEREAS, the Wastewater Collections, Water Quality Control Primary and Secondary Plants require weekly maintenance to maintain a professional appearance of these facilities, and

WHEREAS, the Wastewater Collections Division has six locations, four sewer lift stations (Emerald, Woodland, Thousand Oaks and Scenic) and two storm basin locations (Cassidy Ct. and Carpenter Rd.), and

WHEREAS, these six locations all have been landscaped for the purpose of improving the City property appearance, and

WHEREAS, the four sewer lift stations are all in residential neighborhood settings and when these sites are landscaped they are better accepted by the residents and are not a neighborhood eyesore, and

WHEREAS, the Carpenter Rd. Storm Basin is a very visible location to everyone who drives over the Birggsmore Overpass, and

WHEREAS, out of seven vendors solicited, three (3) chose to respond to the RFP,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby awards the bid for landscape maintenance services for FY 2002/2003 to Continental Landscape Inc. for a total annual cost of $34,908.00, with the option of two (2) additional, one-year contract extensions.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to issue an annual agreement to Continental Landscape Inc., for FY 2002/2003 in the amount of $34,908.00, with the option of two (2) additional, one-year contract extensions in that amount.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
BY: _____
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-510

A RESOLUTION ACCEPTING THE PROJECT TITLED "CO-COMPOST ROAD IMPROVEMENTS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled "Co-Compost Road Improvements", has been completed by Granite Construction Company, in accordance with the contract agreement dated June 25, 2002,

NOW, THEREFORE, BE IT RESOLVED that the "Co-Compost Road Improvements" project be accepted from said contractor, Granite Construction Company, that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $119,703.70 as provided in the contract, be authorized.

The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-511

A RESOLUTION ACCEPTING THE PROJECT TITLED "WASTEWATER COLLECTION MAINTENANCE BUILDING" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled "Wastewater Collection Maintenance Building," has been completed by Diede Construction, Inc., in accordance with the contract agreement dated December 11, 2001,

NOW, THEREFORE, BE IT RESOLVED that the "Wastewater Collection Maintenance Building" project be accepted from said contractor, Diede Construction, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $1,141,452 as provided in the contract, be authorized.

The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-512

A RESOLUTION ACCEPTING THE BID OF CEN-CAL CONSTRUCTION FOR THE PROJECT TITLED "REPLACE SHADE STRUCTURES AT BEYER PARK AND GRACEADA PARK."

WHEREAS, the bids received for "REPLACE SHADE STRUCTURES AT BEYER PARK AND GRACEADA PARK" were opened at 11:00 a.m., on October 1, 2002, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $297,261.99 received from CEN-CAL CONSTRUCTION be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of CEN-CAL CONSTRUCTION be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-513

A RESOLUTION ADOPTING A REVISED DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR FEDERALLY FUNDED STREET AND TRANSIT PROJECTS

WHEREAS, the Federal Government has adopted Federal Regulation 49 CFR Part 26, which mandates that the City adopt a DBE Program to be eligible to receive federal highway and transit funds, and

WHEREAS, Caltrans has tentatively approved the draft City of Modesto DBE Program for Federally Funded Streets Projects, contingent upon Council adopting the program, and

WHEREAS, the recommended overall goal for Modesto in the upcoming year is seven (7%) percent DBE participation, and

WHEREAS, the City of Modesto has requested public comments regarding the DBE Program, and none were received, and

WHEREAS, the DBE Program was presented to the Economic Development Committee on October 14, 2002, who recommended its approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto DBE Program for Federally Funded Streets and Transit Projects is hereby adopted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-514

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PAY UP TO $2,000 FOR PARTICIPATION IN THE UNIFIED CERTIFICATION PROGRAM (UCP) FOR CERTIFYING DISADVANTAGED BUSINESS ENTERPRISES (DBE) CONTRACTORS.

WHEREAS, the Federal Government has adopted Federal Regulation 49 CFR Part 26, which mandates that the City participate in the California Unified Certification Program (UCP) in order to continue to receive federal highway and transit funding, and

WHEREAS, the California UCP Board screens and certifies potential disadvantaged business contractors, and

WHEREAS, the California UCP Board has estimated that the City portion of the annual cost is $2,000, and

WHEREAS, the City's participation in the Unified Certification Program (UCP) was presented to the Economic Development Committee on October 14, 2002, who recommended approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to pay up to $2,000 for participation in the Unified Certification Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-515

A RESOLUTION ACCEPTING THE BID OF INDUSTRIAL ELECTRICAL COMPANY FOR THE PROJECT TITLED "INSTALL EMERGENCY GENERATORS AT WELL 57 (ZONE 1) AND TANKS 6, 7, & 8 (ZONE 2)."

WHEREAS, the bids received for the Installation of Emergency Generators were opened at 11:00 a.m., on September 24, 2002, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $330,200 received from Industrial Electrical Company be accepted as the lowest responsible bid, and

WHEREAS, the installation of emergency generators shall ensure system water pressure in the event of an MID electrical grid failure, and

WHEREAS, the installation of emergency generators shall help to protect the health and well being of the citizens of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid is awarded to Industrial Electrical Company in the amount of $330,200 and the agreement between the City of Modesto and Industrial Electrical Company for the installation of emergency generators is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the City Manager or his authorized designee is hereby approved.

The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-516

A RESOLUTION AMENDING THE FISCAL YEAR 2002-03 CAPITAL IMPROVEMENT PROGRAM BUDGET TO: A) ESTABLISH A NEW CIP PROJECT IN FUND 6100 TITLED "INSTALL EMERGENCY GENERATOR AT WELL 57 (ZONE 1);" B) ESTABLISH A NEW CIP PROJECT IN FUND 6150 TITLED "INSTALL EMERGENCY GENERATOR AT TANKS 6, 7, & 8 (ZONE 2);" C) TRANSFER $65,000 FROM THE WATER FUND RESERVE ACCOUNT (6120-800-8000-8003) TO THE CIP PROJECT TITLED "INSTALL EMERGENCY GENERATOR AT WELL 57 (ZONE 1);" D) TRANSFER $320,000 FROM THE WATER FUND RESERVE ACCOUNT (6150-800-8000-8003) TO THE CIP PROJECT TITLED "INSTALL EMERGENCY GENERATORS AT TANKS 6, 7, & 8 (ZONE 2).

WHEREAS, the 2000-2001 annual budget (Page 148) called for the Purchase Generators (615) at Tank 6 (Zone 2), and

WHEREAS, the additional emergency generator sites and funds were identified by the Water Department, and

WHEREAS, it is necessary to amend the fiscal year 2002-03 Capital Improvement budget to fund the emergency generators as follows: A) establish a new CIP project in fund 6100 titled "Install Emergency Generator at Well 57 (Zone 1);" B) establish a new CIP project in fund 6150 titled "Install Emergency Generator at Tanks 6, 7, & 8 (Zone 2);" C) transfer $65,000 from the water fund reserve account (6120-800-8000-8003) to the CIP project titled "Install Emergency Generator at Well 57 (Zone 1);" D) transfer $320,000 from the water fund reserve account (6150-800-8000-8003) to the CIP project titled "Install Emergency Generators at tanks 6, 7, & 8 (Zone 2).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the amendments to the 2002-03 Capital Improvement Program budget to establish new CIP Projects and transfer funds are hereby approved.

The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-517

A RESOLUTION ACCEPTING IMPROVEMENTS IN THE CHATEAU PROVENCE PHASE I SUBDIVISION, IN THE PELANDALE-SNYDER SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, ANDERSON HOMES, a California corporation, is the subdivider of the Chateau Provence Phase I Subdivision, and

WHEREAS, ANDERSON HOMES, a California corporation, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $920,655.30 and $460,327.65, respectively, and

WHEREAS, ANDERSON HOMES, a California corporation, has filed a warranty bond in the amount of $92,065.53 to guarantee improvements in the Chateau Provence Phase I Subdivision, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The improvements in Chateau Provence Phase I Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $920,655.30 upon recordation of the notice of completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $460,327.65 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $92,065.53 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-518

A RESOLUTION ACCEPTING IMPROVEMENTS IN THE ORLEANS ESTATES UNIT NO. 1 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, FLORSHEIM BROS., a California General Partnership, is the subdivider of the Orleans Estates Unit No. 1 Subdivision, and

WHEREAS, FLORSHEIM BROS., a California General Partnership, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $1,177,207.00 and $588,603.50, respectively, and

WHEREAS, FLORSHEIM BROS., a California General Partnership, by its general partner, FLORSHEIM PROPERTIES, has filed a warranty bond in the amount of $117,720.70 to guarantee improvements in the Orleans Estates Unit No. 1 Subdivision, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The improvements in Orleans Estates Unit No. 1 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $1,177,207.00 upon recordation of the notice of completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $588,603.50 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $117,720.70 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-519

A RESOLUTION APPROVING AN AGREEMENT WITH THE HOUSING AUTHORITY OF STANISLAUS COUNTY TO PROVIDE $250,000 IN HOME FUNDS FOR THE DEVELOPMENT OF MILLER POINTE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE HOME AGREEMENT.

WHEREAS, the Citizens Housing and Community Development Committee met on February 22, 2002, and supported allocating $250,000 to the Housing Authority of Stanislaus County ("Housing Authority") for the Miller Pointe Project, and

WHEREAS, on April 9, 2002, the City Council approved Resolution No. 2002-168 allocating $1,082,000 in fiscal year 2001-2002 HOME funds for Affordable Housing, $175,000 of which was set aside for designated Community Housing Development Organizations (CHDOs), and

WHEREAS, of the approved $1,082,000, $250,000 in HOME funds were allocated to the Housing Authority for the development of affordable housing at the southwest corner of North Riverside Drive and Miller Avenue, and

WHEREAS, on February 25, 2002, the City of Modesto Planning Commission adopted Resolution No 2002-14 approving a plot plan for a 16-unit apartment complex in the R-3 zone located at the southwest corner of North Riverside Drive and Miller Avenue and finding that the project is within the scope of the Modesto Urban Area General Plan Master Environmental Impact Report (Master EIR) (SCH No. 92052017), and

WHEREAS, the HOME funds will be used by the Housing Authority to develop a 16-unit multi-family residential project, targeting very-low income individuals with psychiatric disabilities, and

WHEREAS, the City proposes to enter into an agreement with the Housing Authority to help fund the project, and the terms of the agreement include a 50-year deferral of principal and interested, and

WHEREAS, the Housing Authority is also required to have the Miller Pointe project certified through the Crime Free Multi Housing Program, which is administered by the Modesto Police Department and funded with CDBG funds, and

WHEREAS, on January 31, 2002, an Initial Study, Environmental Assessment No EA/CDD 2002-03, was prepared which concludes that this project is within the scope of the General Plan Master Environmental Impact Report (SCH No. 92052017), and

WHEREAS, on March 10, 2002, an Environmental Review Record was prepared, which indicates that, for the purposes of the National Environmental Protection Act (NEPA), the project will have no significant impact on the human environment and, therefore, an Environmental Impact Statement under NEPA is not required, and

WHEREAS, on October 22, 2002, the City Council adopted Resolution No. 2002-? approving said Initial Study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an agreement with the Housing Authority of Stanislaus County to provide $250,000 in HOME funds for the development of Miller Pointe.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the HOME Agreement with the Housing Authority of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-520

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE SCOPE OF THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): R-3 PLOT PLAN FOR 16-UNIT APARTMENT COMPLEX.

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH NO. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, the Housing Authority of Stanislaus County desires to develop a 16-unit affordable housing complex at the southwest corner of North Riverside Drive and Miller Avenue in Modesto, California to serve very-low income individuals with psychiatric disabilities, hereinafter referred to as "project", and

WHEREAS, City staff prepared an Initial Study, Environmental Assessment No. EA/CDD 2002-03, which concludes that the proposed project is within the scope of the Modesto Urban Area General Plan Master EIR (SCH No. 92052017), and

WHEREAS, the Planning Commission met on February 25, 2002, and, by Resolution 2002-14 approved the Initial Study and concluded that the project is within the scope of the General Plan Master EIR (SCH No. 92052017), and

WHEREAS, on September 21, 2002, in accordance with CEQA Guidelines, the City has caused to be published a 30-day notice of the City's intent to adopt an Initial Study which concludes that the proposed project is within the scope of the Modesto Urban Area General Plan Master EIR (SCH No. 92052017), and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on October 22, 2002 at 5:30 p.m. in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/CDD 2002-03 "City of Modesto Initial Study R-3 Plot Plan for 16-unit Apartment Complex", for the proposed project, and the Council hereby makes the following findings:

A. As per sections 15162 and 15177 of the CEQA Guidelines, this activity is within the scope of the projects covered by the Modesto Urban Area General Plan Master EIR (SCH No. 92052017) and no new environmental document or findings are required by the California Environmental Quality Act.

B. The project will have no new impacts that were not examined in the Modesto Urban Area General Plan Master EIR and no new mitigation measures would be required.

C. There are no substantial changes proposed in the project which will require major revisions of the Modesto Urban Area General Plan Master EIR.

D. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions of the Modesto Urban Area General Plan Master EIR.

E. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Modesto Urban Area General Plan Master EIR was certified as complete, has become available.

F. There are no specific features that are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.

G. All feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

H. The Initial Study provides substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 2002-03, entitled "City of Modesto Initial Study R-3 Plot Plan for 16-Unit Apartment Complex", is attached hereto as **Exhibit "A"**, and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-521

A RESOLUTION APPROVING A CONTRACT WITH VAVRINEK, TRINE, DAY & CO., LLP, TO PERFORM AUDITS OF THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICTS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT.

WHEREAS, the City Council, on June 11, 2002, directed the City Manager, with assistance from the City Clerk & Auditor, to obtain proposals for audits of the City of Modesto Community Facilities Districts, and

WHEREAS, the Audit Committee has been designated as the committee under whose supervision and oversight the audits will be conducted, and

WHEREAS, upon recommendation from the Audit Committee, the City Council on September 24, 2002, approved Vavrinek, Trine, Day & Co., LLP, as the audit firm best qualified to perform these audit services at the lowest cost, and

WHEREAS, the Audit Committee has negotiated a proposed contract for audit services with Vavrinek, Trine, Day & Co., LLP, for $221,500, and recommended approval of the contract at its October 7, 2002, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the contract with VAVRINEK, TRINE, DAY & CO., LLP, for performance of audits of the Community Facilities Districts and authorizes the City Manager to execute the contract for these audit services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Frohman, Jackman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-522

RESOLUTION APPROVING A LEASE AGREEMENT WITH SCOTT GIFFORD AND MEG SCHERFEE TO LEASE CITY-OWNED PROPERTY LOCATED AT 4205 GOMES ROAD AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE.

WHEREAS, in late 1999-early 2000, the City purchased private property at 4205 Gomes Road for eventual use as park property as part of the Dry Creek Regional Park, and

WHEREAS, in June 2000, Council approved a lease agreement with Kevin and Debra Crawford to lease the private residence located on the Gomes Road property, and

WHEREAS, in July 2002, the Crawford's notified the City of their intention to terminate the Gomes Road lease, and

WHEREAS, staff subsequently initiated the process to obtain another Lessee for the property, including advertising, reviewing rental applications, and performing credit/reference checks, and

WHEREAS, the City received two applications for Lease of the Gomes property, and

WHEREAS, staff found Scott Gifford and Meg Scherfee to be the most qualified Lessee, and

WHEREAS, the proposed lease is for a period of eighteen (18) months and includes monthly rental payments of $1,400 (fourteen hundred dollars), and

WHEREAS, the proposed lease provides that the tenants be responsible for landscape maintenance, major appliance maintenance, and other minor repairs of the property, and

WHEREAS, the proposed lease includes an inflation factor, should the lease be extended beyond the original 18-month commitment, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Lease Agreement with Scott Gifford and Meg Scherfee to Lease City-Owned Property located at 4205 Gomes Road, attached hereto as **Exhibit A,** is approved.

Be it further resolved that the City Manager or his designee is hereby authorized to execute the lease.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
MIKE MILICH, City Attorney

LEASE AGREEMENT

This Indenture of Lease, made and entered into in the City of Modesto, County of Stanislaus, State of California, as of this ___ day of _____, 2002, by and between the CITY OF MODESTO, a municipal corporation of the State of California, hereinafter called CITY, and _____ hereinafter called LESSEE.

THE PARTIES HERETO AGREE AS FOLLOWS:

That for and in consideration of the covenants, conditions, agreements, and stipulations hereinafter expressed, CITY does hereby demise and lease unto LESSEE, and LESSEE hereby hires from CITY those certain premises located at 4205 Gomes Rd, in the City of Modesto, County of Stanislaus, State of California, more particularly shown in red on the attached map marked Exhibit A.

1. TERM. LESSEE shall be entitled to have and to hold the leased premises, together with the appurtenances, rights, privileges and easement thereunto belonging to or appertaining, for an eighteen (18) month term commencing on November 1, 2002 and ending on May 31, 2004.

   If LESSEE with CITY'S consent remains in possession of the leased premises after the expiration of the lease term, possession of the leased premises shall be deemed to be a month-to-month tenancy, terminable on thirty (30) days written notice given by either party. Increase of $50.00 per each 12-month period, beyond first term. CITY'S City Manager is authorized to give said notice on behalf of CITY.

2. RENTAL.

   (a) Monthly rental for the lease of the leased premises shall be fourteen hundred ($1400.00) dollars payable each month in advance commencing on November 1, 2002 payable in lawful money of the United States to CITY'S Director of Finance,

P.O. Box 642, Modesto, California, 95353. The monthly rent shall be paid by the 1st of each month and subsequent months and a portion of any partial month prorated at the rate of 1/30 of the monthly sum. Rent shall be due on the 1st of the month and will be delinquent on the 15th of the month.

(b) In the event the rental payment is not paid to CITY by the 15th of the month, there shall be added a monthly penalty of ten percent (10%) of the amount of rental due per month of $140.00, whichever is greater.

3. ADDITIONAL CONSIDERATION. LESSEE agrees that as further consideration for the lease of the demised premises to perform the following services:

(a) At LESSEE discretion and sole cost, LESSEE may post signs indicating the leased premises are a private residence and no trespassing will be allowed.

(b) At the direction of the Building Services Superintendent, LESSEE shall take care of minor maintenance, along with maintaining in working condition the master bath spa/tub, kitchen appliances, which include the dishwasher, microwave and convection oven.

This agreement contemplates the personal services of LESSEE, and the parties recognize that a substantial inducement to CITY for entering into this agreement was, and is, the reputation and competence of LESSEE. Neither CITY nor its officers, agents or employees shall have any control over the conduct of LESSEE except as herein set forth, and for the purpose of this agreement, LESSEE expressly agrees not to represent that LESSEE is in any manner agent, servant or employee of CITY, it being understood that LESSEE is as to CITY wholly independent contractor and that LESSEE'S obligations to CITY are solely such as are prescribed by this agreement.

4. DEPOSIT. Concurrently with the delivery of the signed Lease Agreement, LESSEE will deliver the first month's rent in the amount of fourteen hundred ($1400.00) dollars and a deposit with CITY in the amount of fourteen hundred ($1,400.00) dollars as

security for the full and faithful performance of each and every term, provision, covenant, and condition of the Lease Agreement. If LESSEE defaults in respect to any of the terms, provisions, covenants, and conditions of this Lease Agreement, including but not limited to the payment of rent, to repair damages to the premises caused by the LESSEE, or cleaning of such premises upon termination of the Lease Agreement, CITY may use, apply, or retain the whole or any part of this security for payment of and or all of the above mentioned specific purposes. Any remaining portion of such deposit shall be returned to the LESSEE no later than thirty (30) days after termination of the Lease Agreement. LESSEE shall not be entitled to any interest on the security deposit.

5. USE. That said premises shall not be used by LESSEE during the term of this Lease Agreement for other than single-family residential and occasional guests except with the prior written consent of CITY first had and obtained.

6. RESTRICTIONS ON USE. LESSEE agrees that he will abide by the following restrictions on his use of the premises:

   (a) No animals or pets shall be permitted on the premises except those approved by prior written approval of CITY'S City Manager or his designee.

   (b) All laundry and other types of maintenance operations shall be confined to the interior of the house.

   (c) All storage, both temporary and permanent, shall be confined to the interior of the house or to the garage and/or out building.

   (d) No more than three (3) motor vehicles shall be kept on the premises an any time, and shall be in good running condition at all times.

   (e) Smoking will not be allowed in the house.

7. REPAIR – MAINTENANCE. LESSEE agrees that as part of the consideration for lease of the demised premises that LESSEE will make, at LESSEE'S sole cost and expense, any ordinary repairs to the dwelling necessary to keep said dwelling in a tenantable condition.

LESSEE also agrees to maintain the demised premises in a safe, clean and sanitary manner, including the dwelling structure, any accessory buildings, the yard, landscaping and pool, to keep the entire premises reasonably free from noxious weeds and grasses. A fee of $100.00 per month will be added onto set rent if required for landscaping maintenance and upkeep, If LESSEE fails to maintain landscaping at the acceptable level.

CITY shall be responsible for any major repairs to the demised premises, except as noted previously. Should the swimming pool not be operational, LESSEE shall have no obligation to make repairs to the pool. CITY shall be responsible for the expense for a pool service to monitor and apply chemicals to the pool and perform weekly cleaning. Daily, routine cleaning of the pool shall be the responsibility of the LESSEE.

8. IMPROVEMENTS. LESSEE understands that no improvements to or upon the premises may be made without the prior written consent of CITY'S City Manager or his designee; any approved improvements will be done at the sole cost and expense of LESSEE.

No buildings or other structures shall be erected upon the premises unless the consent of CITY'S City Manager is first had in writing. LESSEE agrees to notify CITY at the time any improvements are begun so that CITY may post and record Notices of Nonresponsibility. LESSEE agrees not to permit any liens to be placed upon said premises by reason of any improvements which he may make thereon and further agree to hold CITY harmless from any liability therefor.

9. RIGHT OF ENTRY UPON PREMISES. CITY and Its agents and employees shall have the right to enter upon said premises at all reasonable times to inspect the same, to determine if LESSEE is performing the covenants of this Lease Agreement on their part to be performed and to post such reasonable notices as CITY may desire to protect its rights.

10. EMERGENCIES. If any emergency arises, LESSEE agrees to promptly take whatever remedial action may be feasible and promptly notify either the Building Services Division of the Operations & Maintenance Department or the Modesto Police Department of the existence of such emergency and the remedial action taken.

11. UTILITIES. LESSEE agrees to pay all utility bills, including garbage. Well and septic system to be maintained by CITY.

12. ASSIGNMENT BY LESSEE. LESSEE shall not assign this Lease Agreement nor any right hereunder, nor sublet the premises, nor any part thereof, or suffer any other person or entity to occupy or use the said premises or any portion thereof whether through direct assignment, subletting, occupation or use by another person or entity. Any such assignment, subletting and occupation or use by any other person or entity shall be void, and shall at the option of CITY'S City Manager, terminate this Lease Agreement. This Lease Agreement shall not, nor shall any interest therein, be assignable, as to the interest of LESSEE by operation of law, without the prior written consent of CITY.

13. FIRE INSURANCE. CITY shall keep the leased premises, excluding personal property of the LESSEE, insured against losses by fire and other perils to the extent covered within CITY'S insurance policies, except that LESSEE agrees to reimburse CITY for any losses caused by, or arising out of LESSEE' use, occupancy or operation of the leased premises and not covered under CITY'S insurance policies, including deductible amounts (presently $5,000.00). LESSEE further agrees to reimburse CITY

and/or CITY'S insurance companies for any such losses caused by, or arising out of LESSEE' use, occupancy or operation of the leased premises for which the LESSEE may be held legally obligated to pay.

14. LIABILITY INSURANCE. LESSEE agrees to provide and keep in full force and effect throughout the term of this Lease Agreement a policy of insurance, covering any and all claims for Injury, sickness and disease, including death therefrom, to any/all persons and damage to property, arising out of LESSEE'S use of, occupancy of, or occurring on the leased premises, in amounts acceptable to CITY'S Risk Manager. Within thirty (30) days of the commencement of this Lease Agreement, a certificate evidencing said insurance shall be filed with CITY'S City Clerk. Said certificate of insurance shall be in a form acceptable to CITY'S Risk Manager. LESSEE further agrees that the amount of insurance required by from time to time be adjusted by CITY'S Risk Manager and LESSEE agree to file a new insurance certificate with CITY'S City Clerk evidencing the new amounts after a thirty (30) day written notice from CITY'S Risk Manager requiring him to do so.

15. INDEMNIFICATION. LESSEE agrees to indemnify, defend and hold the City of Modesto, its officers, agents, volunteers and employees free and harmless from and against any and all liabilities, claims, demands, actions, losses, damages or costs of defense thereof that result in bodily injury and/or property damage caused by, arising out of, or in any way related to LESSEE'S use or occupancy of the leased premises, or occurring on the leased premises during the term of this lease or at any time of occupancy of the leased premises by LESSEE. Upon demand LESSEE shall, at his own expense, defend the City of Modesto, its officers, agents, volunteers and employees against all such liabilities, claims, demands, actions, losses, damages or cost.

16. TERMINATION BY CITY PRIOR TO EXPIRATION. CITY'S City Manager shall have the right to immediately terminate this Lease Agreement, in whole or in part, on the occurrence of any of the following events:

(a) Failure on the part of LESSEE to pay rent when due, unless such failure is corrected within a fifteen (15) day period.

(b) Filing by or the final adjudication of LESSEE of any petition in bankruptcy or the making of any transfer of general assignment for the benefit of creditors which has not been previously authorized by CITY.

(c) The failure of LESSEE to perform substantially or keep or observe any of the terms, covenants, and conditions which he is obligated to perform, keep or observe under this Lease Agreement after the expiration of a fifteen (15) day period of warning or ultimatum given by CITY'S City Manager to LESSEE to correct any such deficiency or default.

(d) The abandonment of the leased premises or any portion thereof. Should this occur, CITY shall not be responsible for the custodial protection of personal property abandoned, even though it is necessary for CITY to remove same from the leased premises for storage or disposal.

17. TAXES. LESSEE recognizes and understands that this Lease may create a possessory interest subject to property taxes on such interest. LESSEE further agrees to pay, without the right to deduct from rental fees provided herein, any and all property taxes, if any, assessed during the term of this lease against LESSEE'S possessory interest in the lease premises.

LESSEE further agrees to pay, without right to deduct from rental fees provided herein, any and all personal property taxes assessed against his property on said leased premises and such portion of any real property taxes as may be levied against improvements owned by LESSEE and erected upon land owned by CITY.

18. DAMAGE TO PREMISES. If said premises are so damaged by fire or from any other cause as to render it untenantable, then either party shall have the right to terminate this Lease Agreement as of the date on which such damage occurs, through written notice to the other party, to be given within fifteen (15) days after the occurrence of such damage; except that should such damage or destruction occur as the result of the abuse or negligence of LESSEE or his invitees, so as to render said premises untenantable, CITY only shall have this right of termination. CITY'S City Manager is authorized to give notice on behalf of the CITY.

19. COMPLIANCE WITH LAWS. LESSEE shall not do or suffer to be done on or about the leased premises anything that would or does violate or conflict with any applicable law, ordinance, rule or regulation which is now in force or effect or which may hereafter be enacted or adopted by federal, state, county or municipal authority.

20. FAILURE TO VACATE. LESSEE agrees to vacate said premises upon termination of this Lease Agreement, and failing to vacate as herein provided, agrees that CITY, or its authorized agents, may enter upon said property and remove all personal property therefrom and in this event, LESSEE waives any and all claims for damages against CITY, its agents or employees. Nothing herein shall be deemed a waiver of any rights of CITY to demand and obtain possession of said premises in accordance with law in the event of a violation on LESSEE'S part of any of the terms or conditions hereof.

21. CO-PARTNERSHIP DISCLAIMER. It is mutually understood and agreed that nothing in this Lease Agreement is intended or shall be construed as in any way creating or establishing the relationship of co-partners between the parties hereto, or as constituting LESSEE as agent or representative of CITY for any purpose or in any manner whatsoever.

22. NONWAIVER. Any waiver of any breach of covenants or conditions herein contained to be kept and performed by either party shall be effective only if in writing and shall

not be deemed or considered as a continuing waiver and shall not operate to bar or prevent the other party from declaring a forfeiture or exercising its rights for any succeeding breach of either the same or other condition or covenant.

23. ATTORNEY'S FEES. In the event that either party hereto shall commence any legal action or proceeding against the other by reason of the alleged failure of the other to perform any term, covenant, or condition of this Lease Agreement by him to be performed or kept, the party prevailing in said action or proceeding shall be entitled to recover a reasonable attorney's fee to be fixed by the court, and such recovery shall include "the party prevailing" means the party in whose favor final judgement is rendered and 'legal action or proceeding" includes arbitration.

24. TIME OF ESSENCE, BINDING UPON HEIRS, ETC. Time is of the essence of each and all the terms and provisions of this Lease Agreement and the terms and provisions of the Lease Agreement shall extend to and be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties herein contained shall be joint and several obligations.

25. NUMBER AND GENDER. All words used herein in the singular number shall include the plural and the present tense shall include the future and the masculine gender shall include the feminine.

Print

MODESTO CITY COUNCIL
RESOLUTION NUMBER 2002-523

A RESOLUTION APPROVING THE FEDERAL 2002 LOCAL LAW ENFORCEMENT BLOCK GRANT WITH THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR THE PROCUREMENT OF EQUIPMENT AND TECHNOLOGY AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID GRANT

WHEREAS, the City of Modesto Police Department made application to the U. S. Department of Justice, Bureau of Justice Assistance for the 2002 Local Law Enforcement Block Grant Program, and

WHEREAS, the program is of 24-month duration, and it includes the program area of procuring equipment and technology to enhance law enforcement, and

WHEREAS, the Police Department submitted an application for various unmet equipment and technology needs, as shown in **Attachment A** and,

WHEREAS, acceptance of this grant enhances Healthy and Safe Strategic Action Plan action, H.1.B.8. which calls for obtaining public service grants, and

WHEREAS, the total grant project is $240,634 of which the federal share is $216,571 and the local match is $24,063 and that match is available from the Supplemental Law Enforcement Services Fund, and

WHEREAS, at it meeting of June 3, 2002 the Safety and Communities Committee was informed of this grant opportunity, and

WHEREAS, the grant will make possible the purchase of portable radios, chargers and batteries, mobile data computers, electronics for the Police Department Theater, 20 personal computers, and training, equipment and public information materials for the Arson Task Force,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves the Federal 2002 Local Law Enforcement Block Grant contract for the purchase of police equipment and technology, as attached.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said grant contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Attachment A

2002 Local Law Enforcement Block Grant
Planned Equipment and Technology Acquisitions

Federal Funds:	$216,571
Local Match:	$ 24,063
Total Funds:	$240,634

Items:	Cost:
25 Portable Radios for Sworn Officers and CSO's (so that all Sworn Officers and CSO's will have a personal portable radio) @$800/ea	$20,000
Chargers and Batteries for all MPD Portable Radios	40,000
2 Voter Receivers @$5,000/ea	10,000
5 Mobile Data Computers @$10,000/ea	50,000
TV's with VCR's and Wall Stands for MPD Theater	10,000
Electronics for MPD Theater	29,584
20 Personal Computers @$2,000/ea	40,000
Arson Task Force For: Training, Equipment and Public Information Materials	41,050

Print

MODESTO CITY COUNCIL
RESOLUTION NUMBER 2002-524

A RESOLUTION AMENDING THE FISCAL YEAR 2002/2003 ANNUAL BUDGET ESTIMATING REVENUE AND APPROPRIATING FUNDS

WHEREAS, the Police Department acquired a grant award from the U.S. Department of Justice for the 2002 Local law Enforcement Block Grant Program in the sum of $240,634, and

WHEREAS, the City's match for the Federal grant program is $24,063 and will be made from the Supplemental Law Enforcement Services Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2002/2003 Annual Budget is hereby amended as indicated below:

	Expense:		
To:	0400-190-2980-5906	2002 LLEBG	$240,634
	Revenue:		
From:	0400-190-2980-3506	2002 LLEBG	$216,571
		SLESF	$24,063

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NUMBER 2002-525

A RESOLUTION APPROVING THE EXPENDITURE OF THE STATE OF CALIFORNIA SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND GRANT MONIES ALLOCATED TO THE CITY OF MODESTO IN THE 2002/2003 FISCAL YEAR

WHEREAS, in 1996, the State Legislature passed, and the Governor signed, Assembly Bill 3229, the Supplemental Law Enforcement Services Act, and

WHEREAS, the legislation has continued to be funded each subsequent year at $100 million, statewide, from sales and use taxes, for exclusive funding of municipal police services, in accordance with written requests submitted by the Chief of Police of a city to his or her governing body, convened in public hearing, and

WHEREAS, the purpose of the law is to ensure public safety, and

WHEREAS, the funding for each county and city is based upon proportionate population, and

WHEREAS, the allocation to the City of Modesto for fiscal year 2002/2003 is $394,481, and

WHEREAS, the program requires a public hearing by local governmental Chiefs of Police or Sheriffs regarding spending plans, and

WHEREAS, these funds must be held in an interest-bearing Supplemental Law Enforcement Services Fund and must not be used to supplant existing budget funds, and

WHEREAS, The Modesto Police Department has budgeted its 2002/2003 State Supplemental Law Enforcement Services Fund monies of $394,481 in the 2002/2003 operating budget to continue funding nine Police Department positions, as follows:

7 Police Clerks
1 Property and Evidence Technician
1 Systems Analyst

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, after holding a public hearing, that it hereby approves the Chief of Police's spending plan for the 2002/2003 State Supplement Law Enforcement Services Fund allocation of $394,481 for the salary and benefits of seven Police Clerks, one Property and Evidence Technician and one Systems Analyst.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-526

A RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN LAND USE DIAGRAM TO REDESIGNATE PROPERTY LOCATED AT 810 STANDIFORD AVENUE FROM RESIDENTIAL TO MIXED USE. (HORIZON CONSULTING SERVICES)

WHEREAS, on August 15, 1995, by Resolution No. 95-408, the City Council certified the Final Master Environmental Impact Report ("EIR") for the Urban Area General Plan (SCH #92052017), and

WHEREAS, a new General Plan for the City of Modesto entitled "City of Modesto Urban Area General Plan", as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 95-409 on August 15, 1995, and

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-48, 2001-476, and 2002-154, copies of which are on file in the office of the City Clerk, and

WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body up to four times per calendar year, and

WHEREAS, there have been no General Plan Amendments this calendar year, and

WHEREAS, Horizon Consulting Services has applied for an amendment to the General Plan to re-designate a one-acre parcel at 810 Standiford Avenue from Residential to Mixed Use to allow medical office development, and

WHEREAS, the Community & Economic Development Department has analyzed the proposed amendment and concluded that the site is in an appropriate location for medical offices, in that it is located on a Major Arterial street and is compatible with adjacent single-family housing, and

WHEREAS , the adopted General Plan Land Use Diagram does not show a Mixed Land Use designation for the above-described property, and

WHEREAS, City staff proposes that the adopted General Plan Land Use Diagram be amended to reflect the proposed Mixed Land Use designation as indicated in the attached Exhibit "A", and

WHEREAS, on September 16, 2002, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, relating to this proposed amendment to the Modesto Urban Area General Plan Land Use Diagram to re-designate a one-acre parcel at 810 Standiford Avenue from Residential to Mixed Use, and

WHEREAS, after said public hearing, the Planning Commission adopted Resolution No. 2002-39, recommending to the City Council an amendment to the Modesto Urban Area General Plan Land Use Diagram to re-designate a one-acre parcel at 810 Standiford Avenue from Residential to Mixed Use to allow medical office development, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on October 22, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of

the Council was held for the purpose of receiving public comment on the proposed amendment to the Modesto Urban Area General Plan Land Use Diagram,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban General Plan Land Use Diagram to re-designate a one-acre parcel at 810 Standiford Avenue from Residential to Mixed Use is in the public interest and is required for the public health, safety and welfare of the citizens of Modesto and said General Plan is hereby amended to read as shown on **Exhibit "A"** attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to send certified copies of this resolution and said amendment to the General Plan to the Stanislaus County Board of Supervisors.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

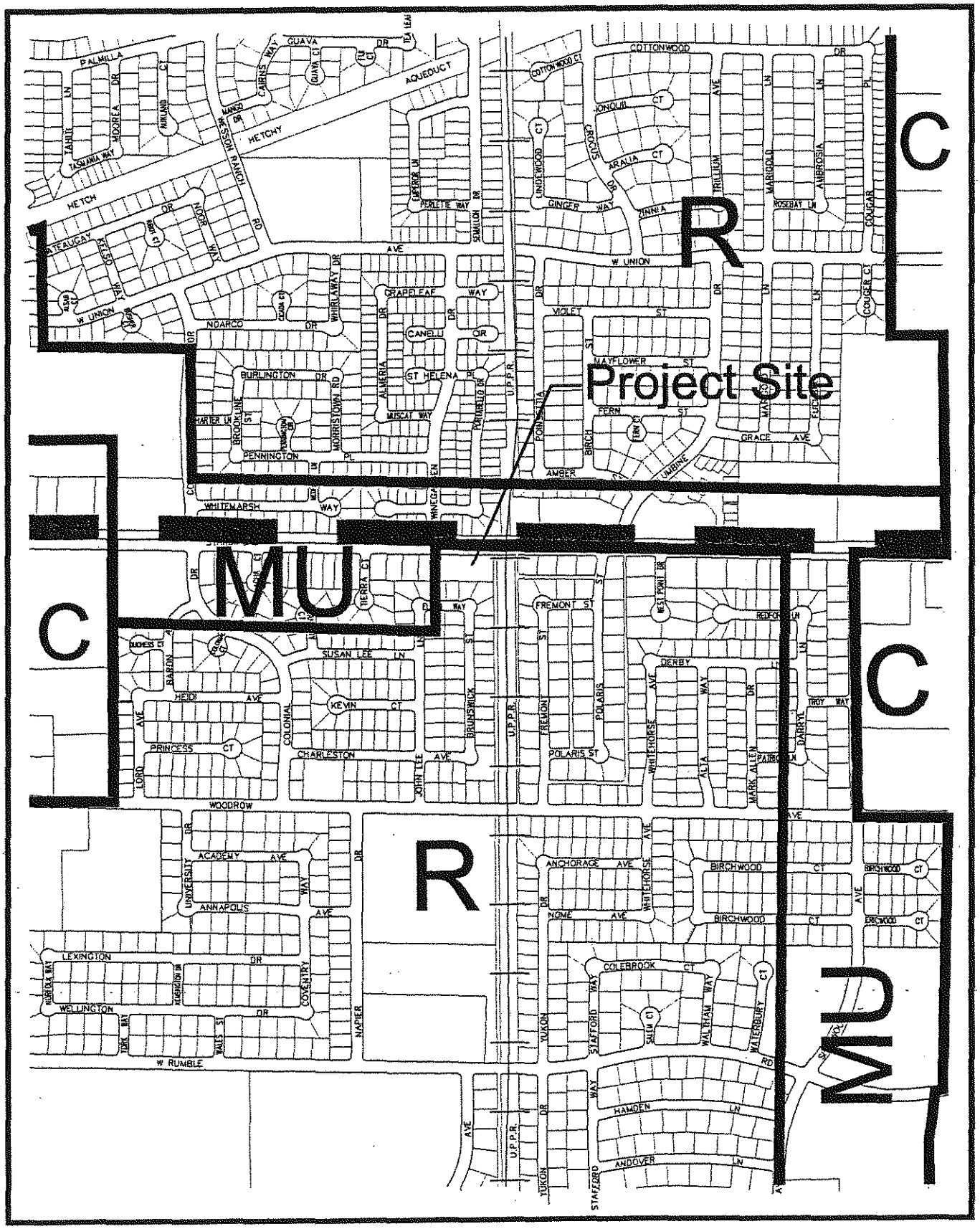
ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

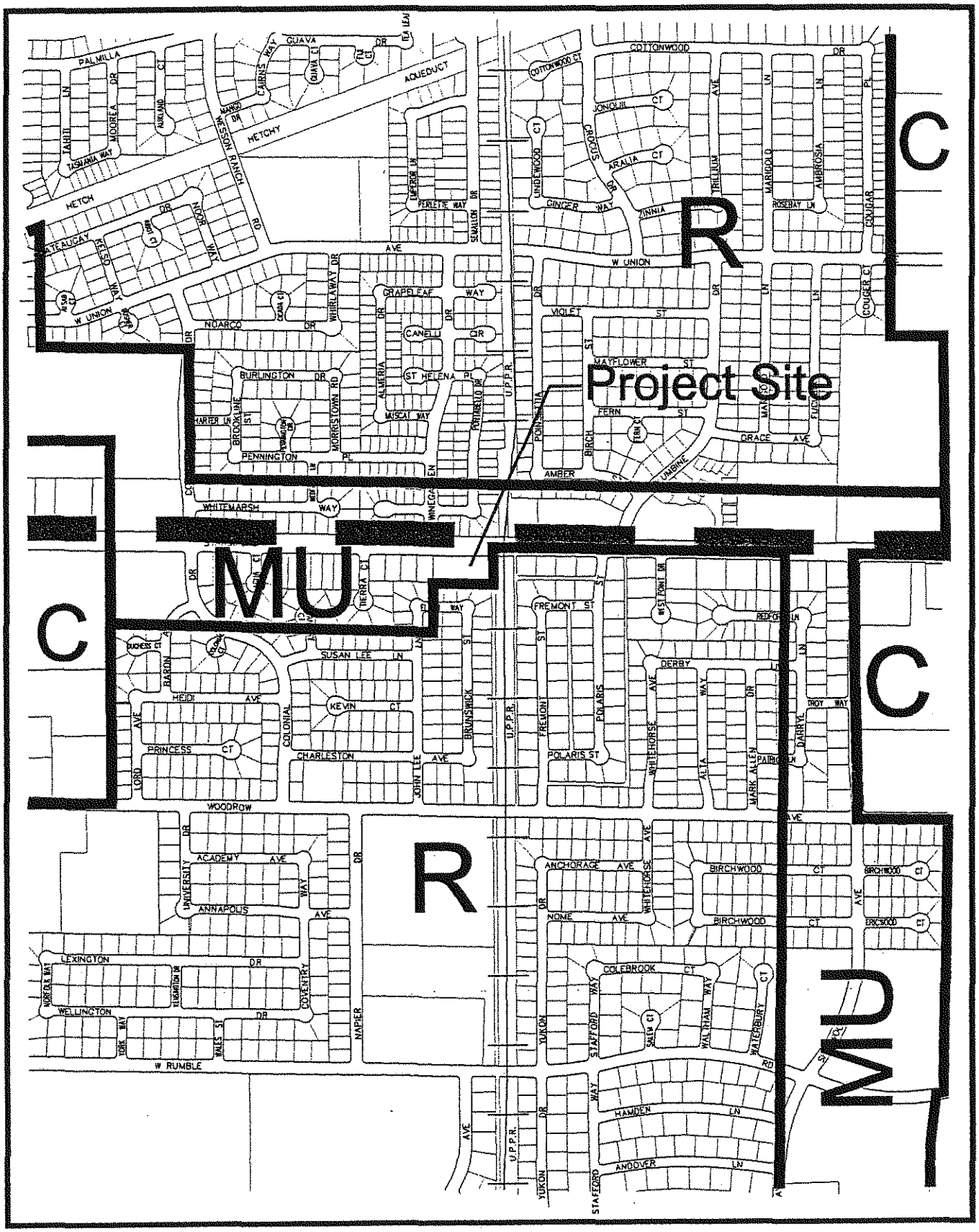
APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A



EXISTING GENERAL PLAN
LAND USE DIAGRAM



PROPOSED GENERAL PLAN
LAND USE DIAGRAM

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-527

A RESOLUTION FINDING THAT THE FOLLOWING PRO-JECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING THE MODESTO URBAN AREA GENERAL PLAN LAND USE DIAGRAM TO REDESIGNATE PROPERTY LOCATED AT 810 STANDIFORD AVENUE FROM RESIDENTIAL TO MIXED USE (HORIZON CONSULTING SERVICES)

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Horizon Consulting Services has proposed an amendment to the Modesto Urban Area General Plan Land Use Diagram to redesignate property located at 810 Standiford Avenue, from Residential to Mixed Use, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2002-43 reviewed the proposed amendment to the Modesto Urban Area General Plan Land Use Diagram to determine

whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Initial Study, EA/C&ED 2002-43 prepared for the proposed project, a copy of which is attached hereto as **Exhibit "A"**, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.
2. That the project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.
3. That as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features that are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a Notice of Determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2002-43

City of Modesto
Initial Study

General Plan Amendment and Rezone from R-1 to P-D

EA/CDD 2002-43
August 23, 2002

I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with and within the scope of the Master EIR.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:
Public Hearing - Application of Horizon Consulting Services for General Plan amendment and rezone from R-1 (Low-Density Residential Zone) to P-D (Planned Development Zone) to allow a 10,000 square-foot medical office development, property located at 810 Standiford Avenue.

B. Lead agency name and address:
City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact person, address and phone number:
Brad Wall
City of Modesto Community Development Department
1010 10th Street, Suite 3100
Modesto, CA 95353
(209) 577-5282

D. Project Location:
810 Standiford Avenue, at its intersection with the UPRR right-of-way

E. Project Sponsor:
Horizon Consulting Services

F. General Plan Designation:
Residential (R); amended to Mixed Use (MU)

G. Current Zoning:
Low-Density Residential (R-1)

H. Description of Proposed Projects:
This is an application to amend the General Plan land use diagram and rezone a 0.9-acre parcel from R-1 (Low-Density Residential Zone) to P-D (Planned Development Zone), to allow a 10,000 square-foot medical office development located at 810 Standiford Avenue. The applicant's site plan calls for three 3,360 square-foot, single-story medical office buildings and off-street parking with access to Standiford Avenue.

I. Surrounding land uses:
Residential land uses exist to the north, south and west of the subject property. The UPRR railroad right-of-way borders the east property line.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms to the analysis contained within the Master EIR.

A. Traffic and Circulation

The proposed General Plan amendment and planned development zone for medical offices will contribute to increased traffic in the neighborhood. However, the proposed development is consistent with the Traffic and Circulation needs section of the MEIR. A traffic analysis assessment (attached to Commissioner's agendas) has been prepared for the proposed project by Wilbur J. Elias, P.E. This study concludes that the proposed change in land use associated with the General Plan amendment would not have a significant impact on traffic conditions in the area. Staff within the City's Traffic Engineering Division have indicated that they agree with this determination. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-38) are still valid.

B. Degradation of Air Quality

The proposed General Plan amendment and planned development zone for medical offices is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are therefore still valid.

C. Generation of Noise

The proposed General Plan amendment and planned development zone for medical offices is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of residential uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of the proposed professional office use, nor will the adjacent neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.

D. Loss of Productive Agricultural Land

The proposed General Plan amendment and planned development zone for mediacl offices is located on property noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. Also, the requested planned development zone and resulting professional office development is subject to conditions of approval. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. Increased Demand for Water Supplies

The proposed General Plan amendment and planned development zone for medical offices will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are therefore still valid.

D. Increased Demand for Sanitary Sewer Services

The proposed General Plan amendment and planned development zone for medical offices will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The proposed General Plan amendment and planned development zone for medical offices is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are therefore still valid.

H. Disturbance of Archaeological and Historic Sites

Figure 8-1 of the MEIR indicates that the proposed projects are not within the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. Therefore, the proposed project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR, and the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

I. Drainage, Flooding and Water Quality

The proposed General Plan amendment and planned development zone for medical offices will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are therefore still valid.

J. Increased Demand for Storm Drainage

The proposed General Plan amendment and planned development zone for medical offices is consistent with the General Plan in land use and intensity, and will provide the

necessary infrastructure to provide for adequate storm drainage. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are therefore still valid.

K. Increased Demand for Parks and Open Space

The proposed General Plan amendment and planned development zone for medical offices will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are therefore still valid.

L. Increased Demand for Schools

The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, as applicable, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

M. Increased Demand for Police Services

The proposed General Plan amendment and planned development zone for medical offices will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are therefore still valid.

N. Increased Demand for Fire Services

The proposed General Plan amendment and planned development zone for medical offices will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 6 is located approximately one mile away, near the intersection of Standiford Avenue and Hahn Drive. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are therefore still valid.

O. Generation of Solid Waste

The proposed General Plan amendment and planned development zone for medical offices will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10), are therefore still valid.

P. Generation of Hazardous Materials

The proposed projects will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-15) are therefore still valid.

Q. Landslides and Seismic Activity

The proposed projects will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in

the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-17-11) are therefore still valid.

R. **Energy**
The proposed General Plan amendment and planned development zone for medical offices will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV. CONCLUSIONS / DETERMINATIONS OF FINDINGS

A. The proposed General Plan amendment and planned development zone for a 10,000 square-foot professional office development is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Development Area.

B. No additional significant environmental effects will occur as a result of the proposed General Plan amendment and planned development zone that were not previously examined in the General Plan Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed General Plan amendment and planned development zone that were not previously considered in the General Plan Master EIR.

D. There are no specific features unique to this proposed General Plan amendment and planned development zone that require specific mitigation measures. All certified mitigation measures identified in the General Plan Master EIR will apply Citywide, including this project as appropriate.

E. This Initial Study provides substantial evidence to support findings A, B, C, and D above.

Signature:

Brad Wall,
Associate Planner

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-528

Print

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(555) (HORIZON CONSULTING SERVICES)

WHEREAS, a verified application for an amendment to Section 8-3-9 of the Zoning Map was filed by Horizon Consulting Services on June 3, 2002, to reclassify property located at 810 Standiford Avenue from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(555), to allow for a 10,000-square-foot medical office complex and associated off-street parking, the property is described as follows:

R-1 to P-D(555)

Lot 1, of Standiford Colony, as per map filed December 11, 1912 in Volume 7 of Maps, at Page 17, Stanislaus County Records.

Excepting there from that portion of East 20 feet lying South of the North 25 feet as conveyed to the Modesto Irrigation District, an irrigation district, by Deed recorded September 11, 1964 in Volume 1975 of Official Records, at Page 612, as instrument No. 35637;

also including the south one-half of original 40 foot Standiford Avenue, all being immediately adjacent to the above described property.

Assessor's Parcel No: 055-12-46-080

WHEREAS, after a public hearing held on September 16, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2002-40, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The requested planned development zone for a medical office development is located on a major arterial street, and would not result in adverse impacts to the adjacent residential neighborhood(s).

2. The proposed planned development zone, by reason of its site design and conditions of approval, is compatible with existing and potential surrounding development.

WHEREAS, said matter was set for a public hearing of the City Council to be held on October 22, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Horizon Consulting Services for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2002-40 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3271-C.S. on the 22nd day of October, 2002, reclassifying the above-described property from Low-Density Residential, R-1, to Planned Development Zone, P-D(555).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(555), is hereby approved subject to the following conditions:

1. All development shall conform to the site plan and elevations titled "Standiford Office Complex" as amended in red, stamped approved by the City Council.

2. Fences or walls shall be constructed prior to occupancy and shall be as follows: Seven-foot-high wood fence with decorative masonry pilasters at 16 foot on center along the west and south property lines; Seven-foot-high wrought iron fencing along the east property line.

3. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Chief Building Official. Screen landscaping shall be installed along the east, west, and south property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. Trash bins shall be kept in enclosures in accordance with the approved plan and in accordance with plans approved by the Operations and Maintenance Department Director. Enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Department Director.

6. Prior to the issuance of a building permit, the developer shall submit a plan to provide on-site treatment of storm water, as approved by the Operations and Maintenance Director. Storm drain improvements shall be constructed in accordance with the approved plans.

7. Existing overhead and underground electric facilities shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Engineering and Transportation Director.

8. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

9. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

10. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a Registered Civil Engineer and approved by the Engineering and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

11. Ten-foot public utility easements and four-foot planting easements located within the ten-foot public utility easements shall be dedicated along all street frontages as required by the Engineering and Transportation Director.

12. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.

13. All signs shall comply with the sign requirements of the P-O Zone.

14. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

15. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(555):

The entire construction program be accomplished in one phase, construction to begin within two years of approval by the City Council, and completion to be not later than three years from this same date.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(555), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating, O'Bryant Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Community & Economic Development Department
Planning Division

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-529

A RESOLUTION FINDING THAT THE FOLLOWING PRO-JECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 8-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(555), PROPERTY LOCATED AT 810 STANDIFORD AVENUE (HORIZON CONSULTING SERVICES)

WHERAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Horizon Consulting Services has proposed that the zoning designation for property located at 810 Standiford Avenue, be amended to rezone from Low- Density Residential, R-1, to Planned Development Zone, P-D(555), in the City of Modesto ("the project"), to allow for a 10,000-square-foot medical office development, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2002-43 reviewed the proposed amendment to the Zoning Map and rezone to P-D(555) project to determine whether the project is within the scope of the project covered by the Modesto Urban Area

General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR, and, further, that no new additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(555) project, a copy of which is attached hereto as **Exhibit "A"**, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.
2. That the project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.
3. That as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features that are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a Notice of Determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2002-43

City of Modesto
Initial Study

General Plan Amendment and Rezone from R-1 to P-D

EA/CDD 2002-43
August 23, 2002

I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with and within the scope of the Master EIR.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:
Public Hearing - Application of Horizon Consulting Services for General Plan amendment and rezone from R-1 (Low-Density Residential Zone) to P-D (Planned Development Zone) to allow a 10,000 square-foot medical office development, property located at 810 Standiford Avenue.

B. Lead agency name and address:
City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact person, address and phone number:
Brad Wall
City of Modesto Community Development Department
1010 10th Street, Suite 3100
Modesto, CA 95353
(209) 577-5282

D. Project Location:
810 Standiford Avenue, at its intersection with the UPRR right-of-way

E. Project Sponsor:
Horizon Consulting Services

F. General Plan Designation:
Residential (R); amended to Mixed Use (MU)

G. Current Zoning:
Low-Density Residential (R-1)

H. Description of Proposed Projects:
This is an application to amend the General Plan land use diagram and rezone a 0.9-acre parcel from R-1 (Low-Density Residential Zone) to P-D (Planned Development Zone), to allow a 10,000 square-foot medical office development located at 810 Standiford Avenue. The applicant's site plan calls for three 3,360 square-foot, single-story medical office buildings and off-street parking with access to Standiford Avenue.

I. Surrounding land uses:
Residential land uses exist to the north, south and west of the subject property. The UPRR railroad right-of-way borders the east property line.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms to the analysis contained within the Master EIR.

A. Traffic and Circulation

The proposed General Plan amendment and planned development zone for medical offices will contribute to increased traffic in the neighborhood. However, the proposed development is consistent with the Traffic and Circulation needs section of the MEIR. A traffic analysis assessment (attached to Commissioner's agendas) has been prepared for the proposed project by Wilbur J. Elias, P.E. This study concludes that the proposed change in land use associated with the General Plan amendment would not have a significant impact on traffic conditions in the area. Staff within the City's Traffic Engineering Division have indicated that they agree with this determination. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-38) are still valid.

B. Degradation of Air Quality

The proposed General Plan amendment and planned development zone for medical offices is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are therefore still valid.

C. Generation of Noise

The proposed General Plan amendment and planned development zone for medical offices is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of residential uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of the proposed professional office use, nor will the adjacent neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.

D. Loss of Productive Agricultural Land

The proposed General Plan amendment and planned development zone for mediacl offices is located on property noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. Also, the requested planned development zone and resulting professional office development is subject to conditions of approval. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. Increased Demand for Water Supplies

The proposed General Plan amendment and planned development zone for medical offices will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are therefore still valid.

D. Increased Demand for Sanitary Sewer Services

The proposed General Plan amendment and planned development zone for medical offices will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The proposed General Plan amendment and planned development zone for medical offices is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are therefore still valid.

H. Disturbance of Archaeological and Historic Sites

Figure 8-1 of the MEIR indicates that the proposed projects are not within the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. Therefore, the proposed project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR, and the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

I. Drainage, Flooding and Water Quality

The proposed General Plan amendment and planned development zone for medical offices will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are therefore still valid.

J. Increased Demand for Storm Drainage

The proposed General Plan amendment and planned development zone for medical offices is consistent with the General Plan in land use and intensity, and will provide the

necessary infrastructure to provide for adequate storm drainage. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are therefore still valid.

K. Increased Demand for Parks and Open Space

The proposed General Plan amendment and planned development zone for medical offices will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are therefore still valid.

L. Increased Demand for Schools

The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, as applicable, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

M. Increased Demand for Police Services

The proposed General Plan amendment and planned development zone for medical offices will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are therefore still valid.

N. Increased Demand for Fire Services

The proposed General Plan amendment and planned development zone for medical offices will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 6 is located approximately one mile away, near the intersection of Standiford Avenue and Hahn Drive. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are therefore still valid.

O. Generation of Solid Waste

The proposed General Plan amendment and planned development zone for medical offices will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10), are therefore still valid.

P. Generation of Hazardous Materials

The proposed projects will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-15) are therefore still valid.

Q. Landslides and Seismic Activity

The proposed projects will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in

the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-17-11) are therefore still valid.

R. Energy

The proposed General Plan amendment and planned development zone for medical offices will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV. CONCLUSIONS / DETERMINATIONS OF FINDINGS

A. The proposed General Plan amendment and planned development zone for a 10,000 square-foot professional office development is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Development Area.

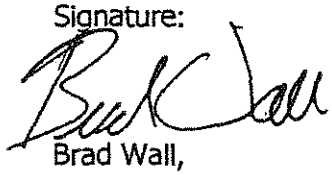
B. No additional significant environmental effects will occur as a result of the proposed General Plan amendment and planned development zone that were not previously examined in the General Plan Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed General Plan amendment and planned development zone that were not previously considered in the General Plan Master EIR.

D. There are no specific features unique to this proposed General Plan amendment and planned development zone that require specific mitigation measures. All certified mitigation measures identified in the General Plan Master EIR will apply Citywide, including this project as appropriate.

E. This Initial Study provides substantial evidence to support findings A, B, C, and D above.

Signature:



Brad Wall,
Associate Planner

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-530

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING THE ISSUANCE OF VARIABLE RATE DEMAND MULTIFAMILY HOUSING REFUNDING REVENUE BONDS AND THE LOAN OF THE PROCEEDS THEREOF FOR THE REFINANCING OF THE WESTDALE COMMONS APARTMENTS PROJECT AND APPROVING OTHER RELATED DOCUMENTS AND ACTIONS

WHEREAS, the City Charter of the City of Modesto (the "City") provides that the City is authorized to issue revenue bonds pursuant to California law;

WHEREAS, Article 11 of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California, as amended (the "Refunding Act"), authorizes local agencies (including cities) to incur indebtedness for the purpose of refunding any revenue bonds of the local agency;

WHEREAS, the City Council hereby finds and declares that it is necessary, essential and a public purpose for the City to engage in a program (the "Program") to refund multifamily housing revenue bonds of the City issued and delivered to finance the development of multifamily rental housing for persons of low and moderate income, and has determined to issue refunding revenue bonds for such purpose as authorized by the Refunding Act;

WHEREAS, the City Council hereby finds and declares that this resolution is being adopted pursuant to the powers granted by the Refunding Act;

WHEREAS, Westdale Commons, a California limited partnership (the "Borrower"), has requested that the City issue and sell the Bonds (hereinafter defined) for the purpose of refinancing the Westdale Commons Apartments Project (the "Project");

WHEREAS, the Bonds will be sold by negotiated sale, and the proposed form of the bond purchase agreement relating to the purchase by UBS PaineWebber Inc. (the "Underwriter") of the Bonds has been made available to the City together with the

proposed form of official statement for the Bonds containing information to be used in connection with the marketing of the Bonds by the Underwriter;

WHEREAS, all conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the issuance of the Bonds and the implementation of the Program as contemplated by this resolution and the documents referred to herein exist, have happened and have been performed in due time, form and manner as required by the laws of the State of California, including the Refunding Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MODESTO THAT:

1. The City Council hereby finds and declares that the above recitals are true and correct.

2. Pursuant to the Refunding Act and the Indenture (hereinafter defined), refunding revenue bonds of the City, designated as "City of Modesto Variable Rate Demand Multifamily Housing Refunding Revenue Bonds (Westdale Commons Apartments) 2002 Series A" in an aggregate principal amount not to exceed $4,900,000 (the "Bonds") are hereby authorized to be issued, subject to, among other things, the prior delivery by Fannie Mae of its written commitment, in form and substance acceptable to the City, to provide credit enhancement and liquidity support for the Bonds. The Bonds shall be executed by the manual or facsimile signature of the Mayor, the Vice Mayor, the City Manager or the Finance Director (or any such officer's designee), and attested by the manual or facsimile signature of the City Clerk, or such officer's designee, in the form set forth in and otherwise in accordance with the Indenture (as hereinafter defined).

3. The trust indenture (the "Indenture") between the City and U.S. Bank, N.A., as trustee (the "Trustee"), in the form on file with the City Clerk, is hereby approved. The Mayor, the Vice Mayor, the City Manager or the Finance Director (or any such officer's designee), is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Indenture, and the City Clerk, or such officer's designee, is hereby authorized and directed to attest such officer's signature (or

the signature of such officer's designee) on the Indenture, in said form, with such additions thereto or changes therein as are recommended or approved by the Mayor, the Vice Mayor, the City Manager or the Finance Director upon consultation with bond counsel and the City Attorney, including such additions or changes as are necessary or advisable in accordance with Section 11 hereof, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Indenture.

The date, maturity dates, interest rate or rates and method of calculation thereof, interest payment dates, denominations, form, registration privileges, manner of execution, place of payment, terms of redemption, remarketing, tender and other terms of the Bonds, shall be as provided in the Indenture as finally executed.

4. The financing agreement between the City and the Borrower (the "Financing Agreement"), in the form on file with the City Clerk, is hereby approved. The Mayor, the Vice Mayor, the City Manager or the Finance Director (or any such officer's designee), is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Financing Agreement in said form, with such additions thereto or changes therein as are recommended or approved by the Mayor, the Vice Mayor, the City Manager or the Finance Director upon consultation with bond counsel and the City Attorney, including such additions or changes as are necessary or advisable in accordance with Section 11 hereof, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Financing Agreement.

5. The amended and restated regulatory agreement and declaration of restrictive covenants (the "Regulatory Agreement") among the City, the Trustee and the Borrower, in the form on file with the City Clerk, is hereby approved. The Mayor, the Vice Mayor, the City Manager or the Finance Director (or any such officer's designee), is hereby authorized and directed for and in the name of and on behalf of the City, to execute and deliver the Regulatory Agreement in said form, with such additions thereto or changes therein as are recommended or approved by the Mayor, the Vice Mayor, the City Manager or the Finance Director upon consultation with bond counsel and the City

Attorney, including such additions or changes as are necessary or advisable in accordance with Section 11 hereof, the approval of such changes to be conclusively evidenced by the execution and delivery by the City of such agreement.

6. The City hereby approves the sale of the Bonds by the City to the Underwriter pursuant to a Bond Purchase Agreement relating to the Bonds (the "Bond Purchase Agreement") in the form on file with the City Clerk, together with such additions thereto and changes therein as the Mayor, the Vice Mayor, the City Manager or the Finance Director (or any such officer's designee) shall deem necessary, desirable or appropriate upon consultation with bond counsel and the City Attorney, the execution of which by the City shall be conclusive evidence of the approval of any such additions and changes. The Mayor, the Vice Mayor, the City Manager or the Finance Director (or any such officer's designee), each acting alone, are hereby authorized and directed to execute the final form of the Bond Purchase Agreement for and in the name of and on behalf of the City upon the submission of offers by the Underwriter to purchase the Bonds, which offers are acceptable to the Mayor, the Vice Mayor, the City Manager or the Finance Director (or any such officer's designee) and consistent with the requirements of this Resolution (provided however that the aggregate principal amount of the Bonds shall not exceed $4,900,000, the initial true interest cost with respect to the Bonds shall not exceed 10%, and the Underwriter's Discount or fee in connection with the initial purchase of the Bonds shall not exceed 2% of the aggregate principal amount of the Bonds, plus expenses).

7. The City hereby approves the form of the Assignment and Intercreditor Agreement, dated as of November 1, 2002, by and among the City, the Trustee, the Borrower and Fannie Mae (the "Intercreditor Agreement") on file with the City Clerk of the City, together with such additions thereto and changes therein as the Mayor, the Vice Mayor, the City Manager or the Finance Director (or any such officer's designee) shall deem necessary, desirable or appropriate upon consultation with bond counsel and the City Attorney, the execution of which by the City shall be conclusive evidence of the approval of any such additions and changes. The Mayor, the Vice Mayor, the City Manager or the Finance Director (or any such officer's designee) each acting alone, are

hereby authorized and directed to execute, and the City Clerk, or such officer's designee, is hereby authorized and directed to attest, the final form of the Intercreditor Agreement for and in the name of and on behalf of the City.

8. The City hereby approves the form of the Multifamily Note by the Borrower to the City (the "Note") on file with the City Clerk of the City, together with such additions thereto and changes therein as the Mayor, the Vice Mayor, the City Manager or the Finance Director (or any such officer's designee) shall deem necessary, desirable or appropriate upon consultation with bond counsel and the City Attorney, the endorsement of which by the City for the benefit of the Trustee and Fannie Mae shall be conclusive evidence of the approval of any such additions and changes. The Mayor, the Vice Mayor, the City Manager or the Finance Director (or any such officer's designee), each acting alone, are hereby authorized and directed to endorse, and the City Clerk or such officer's designee, is hereby authorized and directed to attest, the final form of the Note for and in the name of and on behalf of the City.

9. The official statement relating to the Bonds (the "Official Statement") in the form on file with the City Clerk, is hereby approved. The Mayor, the Vice Mayor, the City Manager or the Finance Director (or any such officer's designee), is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Official Statement in said form, with such additions thereto or changes therein as are recommended or approved by the Mayor, the Vice Mayor, the City Manager or the Finance Director (or any such officer's designee) upon consultation with bond counsel and the City Attorney, including such additions or changes as are necessary or advisable in accordance with Section 11 hereof, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Official Statement.

10. The Bonds, when executed, shall be delivered to the Trustee for authentication. The Trustee is hereby requested and directed to authenticate the Bonds by executing the Trustee's certificate of authentication and registration appearing thereon, and to deliver the Bonds, when duly executed and authenticated, upon payment of the

applicable purchase price therefor, to or at the order of UBS PaineWebber Inc. or its designee in accordance with written instructions executed on behalf of the City by the Mayor, the Vice Mayor, the City Manager or the Finance Director (or any such officer's designee), which instructions such officer (or such officer's designee) is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Trustee.

11. All actions heretofore taken by the officers and agents of the City with respect to the establishment of the Program and the sale and issuance of the Bonds are hereby approved, confirmed and ratified, and the proper officers of the City, including the Mayor, the Vice Mayor, the City Manager or the Finance Director, or their designees, are hereby authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Bonds in accordance with this Resolution and resolutions heretofore adopted by the City in order to carry out the Program including, but not limited to, those certificates, agreements and other documents described in the Indenture, the Financing Agreement and the Regulatory Agreement and any certificates, agreements or documents as may be necessary to further the purpose hereof, but which shall not create any obligation or liability of the City other than with respect to the revenues and assets derived from the proceeds of the Bonds.

12. This Resolution shall take effect immediately upon its adoption.

The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Mike Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-531

A RESOLUTION APPROVING A PROFESSIONAL SERVICE AGREEMENT WITH MBIA MUNISERVICES COMPANY (MMC) TO PROVIDE PROPERTY TAX AUDIT AND REVIEW SERVICES ON A CONTINGENCY FEE BASIS AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.

WHEREAS, the City of Modesto, by Resolution 89-532, approved an agreement with Municipal Resource Consultants to provide sales tax audit services, and

WHEREAS, the City of Modesto, by Resolution 93-337, approved an amendment to the agreement with Municipal Resource Consultants to provide audits for business license tax, franchise fees, transient occupancy tax, utility users tax and documentary transfer tax, and

WHEREAS, MBIA MuniServices Company (MMC), the successor to Municipal Resource Consultants, has proposed expanding its services to include audit of property tax revenues, and

WHEREAS, at its meeting of September 23, 2002, the Finance Committee recommended approval of the award of the property tax audit contract in concept,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with MBIA MuniServices Company to provide property tax audit and review services.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto the 22nd of October, 2002 by Councilmember Frohman, who moved its adoption, which motion was duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 –532

A RESOLUTION GRANTING AN EXCEPTION TO THE DOWNTOWN EXPOSED AGGREGATE SIDEWALK & STREETSCAPE STANDARD OF THE CITY OF MODESTO TO THE DOWNTOWN ARTS PROJECT FOR THE SIDEWALK IN FRONT OF THE STATE THEATRE AT 1307 J STREET

WHEREAS, the Downtown Arts Project, a non-profit corporation, (hereinafter referred to as applicant) has requested an exception from said Downtown Exposed Aggregate Sidewalk & Streetscape Standard to allow restoring of the original architectural design of the concrete sidewalk in front of the State Theatre, which they own at 1307 J Street, and

WHEREAS, Section 7-1.301 of the Modesto Municipal Code provides that the Council shall approve standard drawings and specifications for sidewalks in the City of Modesto, and

WHEREAS, the Council has adopted Standard Specifications for sidewalks, and

WHEREAS, Section 3.07C of the Standard Specifications for sidewalks states that any proposed changes to this specification must be reviewed and receive approval from the Downtown Improvement District Board of Directors (DID), and

WHEREAS, the DID reviewed and approved this exception in their letter dated October 17, 2002, and

WHEREAS, this Council has determined that the requested exception should be granted, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an exception to the Standard Specifications of the City of Modesto for sidewalks is granted hereby to the Downtown Arts Project to allow restoration of the existing sidewalk

in front of the State Theatre, located at 1307 J Street, to the original architectural design, subject to the following conditions:

(a) The applicant shall indemnify and hold the City and its officers, agents and employees free and harmless from any and all damages, costs, charges or liabilities of any kind or character, including but not limited to injuries to persons and/or property, that may arise out of, relate to, or in any way be connected with the installation, maintenance and use on the above described sidewalk.

(b) The applicant shall defend, at their own cost and expense, any and all lawsuits that may arise out of or be connected in any way with the exercise of the installation, maintenance and use on the above described sidewalk.

(c) The applicant shall comply with all laws, ordinances, and regulations of the City of Modesto, County of Stanislaus, and State of California that relate to or affect the rights granted by this resolution.

(d) The applicant shall install and maintain the sidewalk in such a manner that it shall not become a nuisance or be hazardous to the public using the above described sidewalk and the adjacent street.

(e) The applicant shall install and maintain the sidewalk to the satisfaction of the Director of Engineering and Transportation.

(f) The provisions of this resolution shall be binding on all successors, assigns and heirs of the applicant.

(g) The rights and privileges granted by this resolution may be revoked at any time by the City Council.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the applicant with a copy of this resolution. The applicant shall file a written acceptance of this resolution and the conditions set forth herein with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October 2002 by Councilmenber Jackman, who moved for its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote.

AYES:	Councilmember:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmember:	None
ABSENT:	Councilmember:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

RESCINDED
Print
2-4-2003
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2003-66

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-533

A RESOLUTION ADOPTING A WRITTEN POLICY REGARDING THE USE OF ENVIRONMENTAL ASSESSMENTS IN THE ACQUISITION OF REAL PROPERTY BY THE CITY OF MODESTO.

WHEREAS, the City of Modesto has no formal written policy regarding the use of Environmental Assessments in the acquisition of real property, and

WHEREAS, the Council and Committee staff report formats, and the Council Agenda Blue Sheet, contain a section to report "Environmental Review" information, and

WHEREAS, the current procedure is to conduct a Phase I Environmental Assessment for every real estate acquisition, which is an industry standard, and

WHEREAS, the determination to conduct a Phase II Environmental Assessment is made on a department-by-department basis, after a review of the Phase I results and consultation with the contracted environmental agency, and

WHEREAS, funding for City projects from Federal and State grants require Environmental Assessments, and

WHEREAS, written reporting of Environmental Assessment is required, and

WHEREAS, in July, 2002, the City Council requested a review of the City's procedure regarding environmental assessments which was presented on July 23, 2002, and

WHEREAS, the staff report outlined the purpose and steps involved in the three phases of environmental assessments:

1. Phase I – Preliminary Site Assessment: Comprehensive multi-part investigation. It is conducted to understand current and previous site uses, particularly those that involve hazardous materials on the subject property and nearby properties.

2. Phase II – Site Characterization: Detailed investigation plan. It is conducted to assess suspect areas identified during the Phase I assessment. Options for site cleanup, including cost estimates, may be presented.

3. Phase III – Remediation: Based on results of the Phase II assessment, a remediation program is proposed, and

WHEREAS, the adoption of a formal written policy will contribute to consistent implementation and enforcement of the use of Environmental Assessments, and

WHEREAS, staff contacted other cities throughout California, using the League of California Cities Housing, Community & Economic Development List Serve program to obtain information on existing policies regarding the use of Environmental Assessments by other cities, and there are no standard written policies, and

WHEREAS, at its meeting on September 9, 2002, the Economic Development Committee recommended the adoption of the following policy for use in the acquisition of all real property by the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that it hereby adopts the following policy regarding the use of Environmental Assessments in the acquisition of real property by the City of Modesto:

1. A Phase I Assessment shall be conducted on all real estate acquisitions.

2. A Phase I Assessment shall be conducted by an accredited environmental firm, chosen through a City selection process.

3. All contracts shall be administered by City staff.

4. A Phase II Assessment shall be conducted based on results of the Phase I Assessment and consultation with the contracted environmental firm. A Phase II Assessment shall be required if any indication or concern is raised in the Phase I Assessment.

5. Written approval/authorization of the decision regarding the completion of a Phase II Assessment shall be required by the Project Manager, Planning Division staff, and the Department Director.

6. The Council Agenda Blue Sheet and Council Staff report format for reporting Environmental Review shall continue to be used as part of this policy.

7. Acquisition of residential property may be exempt from this policy upon approval of the Department Director.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-534

A RESOLUTION ACCEPTING THE PROJECT TITLED "REHABILITATE TAXIWAYS A AND B, CONSTRUCT ELECTRICAL VAULT BUILDING, RELOCATE/UPGRADE ELECTRICAL VAULT EQUIPMENT, MODESTO CITY-COUNTY AIRPORT, AIP PROJECT NO. 3-06-0153-22 AND -23" AS COMPLETE

WHEREAS, a contract was awarded to Teichert Construction for construction of the project titled "Rehabilitate Taxiways A and B, Construct Electrical Vault Building, Relocate/Upgrade Electrical Vault Equipment, Modesto City-County Airport, AIP Project No. 3-06-0153-22 and –23" on August 15, 2000, and

WHEREAS, work began on the project on October 9, 2000, and

WHEREAS, Teichert Construction, in the performance of the work, failed to achieve compliance with the Marshall Mix Design requirements for some of the asphalt concrete material used on the project, and failed to complete the project within the allotted time as provided for by the contract specifications, and

WHEREAS, penalties totaling $108,573.18 have been levied against the contractor for the material non-compliance and the late completion, and

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled "Rehabilitate Taxiways A and B, Construct Electrical Vault Building, Relocate/Upgrade Electrical Vault Equipment, Modesto City-County Airport, AIP Project No. 3-06-0153-22 and –23" has been completed by Teichert Construction, and that penalties have been levied for their failure to comply with the contract specification requirements,

NOW, THEREFORE, BE IT RESOLVED that the "Rehabilitate Taxiways A and B, Construct Electrical Vault Building, Relocate/Upgrade Electrical Vault Equipment, Modesto City-County Airport, AIP Project No. 3-06-0153-22 and –23" project is hereby accepted from said contractor, Teichert Construction, that the notice of completion be filed with the Recorder of Stanislaus County and that payment of the total amounts due of $450,248.79, are hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-535

A RESOLUTION ACCEPTING THE PROJECT TITLED "2002 SANITARY SEWER REPLACEMENT" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled "2002 Sanitary Sewer Replacement", has been completed by Soares Pipeline, Inc., in accordance with the contract agreement dated April 9, 2002,

NOW, THEREFORE, BE IT RESOLVED that the "2002 Sanitary Sewer Replacement" be accepted from said contractor, Soares Pipeline, Inc., that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $749,362 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-536

A RESOLUTION ACCEPTING THE PROJECT TITLED "2001-2002 ROCKWELL CATCH BASIN REPLACEMENT/ADDITION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled "2001-2002 Rockwell Catch Basin Replacement/Addition", has been completed by Cunningham & Sons, Inc., in accordance with the contract agreement dated September 4, 2001,

NOW, THEREFORE, BE IT RESOLVED that the "2001-2002 Rockwell Catch Basin Replacement/Addition" be accepted from said contractor, Cunningham & Sons, Inc., that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $519,266.12 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-537

A RESOLUTION ACCEPTING THE PROJECT TITLED "2001 SLURRY SEALS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled "2001 Slurry Seals", has been completed by Bond Blacktop, Inc., and

WHEREAS, the total cost of work to be completed under the contract was $671,173.94, and

WHEREAS, work on the project was substantially complete on January 23, 2002, ninety-three (93) days after the authorized contract completion date of October 22, 2001, and

WHEREAS, due to the late completion date, ninety-three (93) days of liquidated damages at $350.00 per day were assessed against the contractor in the amount of $32,550.00 and

WHEREAS, the total cost of completed work is the sum of $638,623.94,

NOW, THEREFORE, BE IT RESOLVED that the "2001 Slurry Seals" project be accepted from said contractor, Bond Blacktop, Inc., that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $638,623.94 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-538

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH DOKKEN ENGINEERING FOR PROFESSIONAL DESIGN SERVICES FOR REPLACEMENT OF THE CARPENTER ROAD BRIDGE OVER TUOLUMNE RIVER TO PROCESS CEQA CLEARANCE AS A MITIGATED NEGATIVE DECLARATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT TO AGREEMENT

WHEREAS, on October 10, 2000, the CITY and CONSULTANT entered into an Agreement for design services for the CARPENTER ROAD BRIDGE APPROACHES, and

WHEREAS, the City Attorney's Office recommends the preparation of documents so as to process the Carpenter Road Bridge Replacement Project as a Mitigated Negative Declaration, and the completion of the CEQA process, and

WHEREAS, CONSULTANT represents that it is qualified, willing, and able to provide the additional services to prepare said Mitigated Negative Declaration within the required time,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the contract with Dokken Engineering in the not-to-exceed amount of $11,414.40 to process CEQA (California Environmental Quality Act) clearance as a mitigated negative declaration.

BE IT FURTHER RESOLVED that the execution of said amendment by the City Manager, or his authorized designee, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-539

A RESOLUTION APPROVING THE PURCHASE OF FOURTEEN (14) LOW-FLOOR TRANSIT COACHES FROM THE GILLIG CORPORATION FOR $4,323,360.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City desires to purchase fourteen (14) transit coaches, and

WHEREAS, the CITY is utilizing the Livermore Amador Valley Transit Authority's (LAVTA) competitive bid process to purchase said coaches from the Gillig Corporation, and

WHEREAS, the Gillig Corporation provided the City with a quote based on the bid price the Gillig Corporation submitted to LAVTA, and

WHEREAS, the Gillig Corporation has quoted the following total price F.O.B. Modesto, including state and local sales taxes: Four Million, Three Hundred Twenty-three Thousand, Three Hundred Sixty and No One-hundredths Dollars ($4,323,360.00), and

WHEREAS, by an agenda report to the City Council dated October 18, 2002, from the Engineering and Transportation Director, City staff recommended to the Council that said buses be purchased from the Gillig Corporation at the quoted price, and

WHEREAS, the Economic Development Committee recommended approval of this concept on June 10, 2002,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the purchase of fourteen low-floor transit coaches from the Gillig Corporation at a cost of $4,323,360.00 is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-540

A RESOLUTION AUTHORIZING THE PURCHASE OF A JOHN DEERE 410 LOADER/BACKHOE FROM NORTREX WEST OF FRENCH CAMP, CA. FOR A TOTAL ESTIMATED COST OF $76,977.23

WHEREAS, the Operations and Maintenance Department-Fleet Services has requested the purchase of a John Deere 410G loader/backhoe, and

WHEREAS, this unit will replace a loader/backhoe which has become unreliable and costly to keep operational, and

WHEREAS, this unit has met its life expectancy, and

WHEREAS, this unit is fully funded for replacement from funds set aside out of the Water Enterprise Fund, and

WHEREAS, the Water Department heavy construction crew, needs this loader/backhoe to meet its work program installing and replacing major sections of water distributions lines, and

WHEREAS, the estimated cost of a new John Deere 410G loader/backhoe Purchased under a California multiple Award Schedule (CMAS), General Services Administration Statewide pricing contract is $76,194.34, and

WHEREAS, the estimated State Service Charge for using the CMAS contract is $782.89, and

WHEREAS, purchasing the equipment from Nortrex West under the CMAS contract will allow the City to receive the lowest possible price for the equipment, and

WHEREAS, the estimated total cost of this purchase is $76,977.23, and

WHEREAS, the Modesto Municipal Code generally requires all purchases exceeding $50,000 for materials and equipment of this type to be formally bid, and

WHEREAS, per MMC 8-3.204 (d) the Purchasing Supervisor may determine that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves the purchase of a John Deere 410G loader/backhoe from Nortrex West under the CMAS statewide pricing contract for a total estimated cost of $76,977.23

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By: Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-541

A RESOLUTION CHANGING THE NAME OF THE PUBLIC EVENTS COMMISSION TO THE PUBLIC EVENTS ADVISORY COMMITTEE.

WHEREAS, on April 23, 2002, the City Council authorized the formation of an advisory commission to the Convention and Visitors Bureau, and

WHEREAS, on June 25, 2002, appointments were approved to the commission, and

WHEREAS, two commission members do not reside within the city limits of Modesto, although they own businesses or work in Modesto, and

WHEREAS, the City Charter requires that commission members must be residents of the City of Modesto, and

WHEREAS, in order to retain these two members, staff is recommending changing the name of the Public Events Commission to the Public Events Advisory Committee, which will meet Charter requirements and allow the current appointees to remain in place,

WHEREAS, the Safety and Communities Committee met on October 7, 2002, and supported the recommended name change and bylaws,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves changing the name of the Public Events Commission to the Public Events Advisory Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-542

A RESOLUTION APPROVING THE BYLAWS OF THE PUBLIC EVENTS ADVISORY COMMITTEE.

WHEREAS, on April 23, 2002, the City Council authorized the formation of an advisory commission to the Convention and Visitors Bureau, and

WHEREAS, on June 25, 2002, appointments were approved to the commission, and

WHEREAS, on November 6, 2002, the City Council approved changing the name of the Public Events Commission to the Public Events Advisory Committee, and

WHEREAS, the Public Events Advisory Committee has prepared bylaws for the committee, and

WHEREAS, the Safety and Communities Committee met on October 7, 2002, and supported the recommended name change and bylaws,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the bylaws of the Public Events Advisory Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO PUBLIC EVENTS ADVISORY COMMITTEE

CONSTITUTION AND BYLAWS

Article I

Definitions

Section 1 The Modesto City Council has established a Committee to be known and designated as the City of Modesto Public Events Advisory Committee.

Section 2 As used in these Bylaws, unless a different meaning clearly appears from the context:

A. "Member" shall mean a member of the Modesto Public Events Advisory Committee.

B. "Modesto Public Events Advisory Committee" and "Committee" shall mean the City of Modesto Public Events Advisory Committee.

C. "Regular meeting" shall mean the monthly Committee meetings held on the third Thursday of every month.

Section 3 The fiscal year shall coincide with the City's fiscal year, July 1 to June 30, annually.

Article II

Mission and Objectives of the Committee

Section 1 Mission Statement

The mission of the Public Events Advisory Committee shall be to advise and assist the Modesto Convention and Visitors' Bureau in the development of marketing for conventions, sporting events, motor coach tours, film production, and leisure travel to the City of Modesto and within Stanislaus County. Furthermore, the Committee shall act in an advisory capacity to the city administrative staff and the City Council in making recommendations for approval of special events and programs.

Section 2 The objectives of the Committee shall be as follows:

A. The Committee shall advise and assist in the completion of the process for filing the appropriate documents to create a new

independent 501(c)(6) Nonprofit Corporation for the Modesto Convention and Visitors' Bureau (CVB). The Committee shall also advise and assist in the preparation of the Bylaws for the CVB.

B. The Committee shall provide advice regarding the terms for the contractual agreement to be written between the City of Modesto and the CVB.

C. The Committee shall advise and assist city administrative staff and the CVB in the development of increasing tourism and business to the City of Modesto and within Stanislaus County and the Central Valley Region.

D. Each member of the Committee shall act as the chairperson of a designated committee as support to the overall marketing and operation of the CVB. The committees will represent the following areas: Marketing, Film Committee, Graffiti Summer, Ag Tourism, Sporting Events, Hotel/Restaurant Industry, Finance/Business Plan as well as Attractions and Miscellaneous Others as needed.

E. The Committee, in addition to working with the CVB, will support and advise individuals identified as working on public events so as to generate economic development and income to the City of Modesto and within Stanislaus County and the Central Valley Region.

Article III

Duties of the Committee

Section 1 The Committee shall be responsible for recommending to the Modesto City Council the final organizational structure of the CVB, and the Committee and staff shall implement the Council's decision.

Section 2 The Committee shall operate as an advisory body for the CVB and the Modesto City Council.

Section 3 The Committee shall act as liaison between the general public, the CVB, and the City of Modesto.

Section 4 The Committee shall review the annual budget for the CVB during the process of its preparation and make recommendations to the Deputy Director of Parks, Recreation and Neighborhoods, City Manager, Deputy City Manager, and City Council concerning the annual budget of the CVB.

Section 5 The Committee shall perform such other duties relating to the Modesto CVB and any City-sponsored, authorized, or regulated public events as may be assigned by the Modesto City Council, City Manager, Deputy City Manager, or Parks, Recreation and Neighborhoods Director.

Section 6 The Committee, on majority vote, shall establish a committee structure for both internal administrative functions and for promotional committees that include a representative range of community and tourism industry representatives who will advise the Committee and CVB. Chairs of these committees shall be members of the Committee who are appointed by the Committee Chair and approved by majority vote of the Committee. These chairpersons shall define the appropriate membership of these committees.

Section 7 Nothing in this article shall be deemed to invest the Committee with any supervisory powers over the actions and duties of City employees, or of any Lessee of the City.

Article IV

Membership and Staffing

Section 1 The City of Modesto Public Events Advisory Committee shall consist of seven (7) members.

Section 2 The members of the Committee shall reside or have business interests or employment within the city limits of the City of Modesto at the time of appointment and must maintain residence/business interest/employment within the City at all times during their service on the Committee.

Section 3 Any of the members of the Committee who have business interests or contracts shall be required to disclose such interests.

Section 4 Each member of the City Council shall appoint one member to the Committee.

Section 5 The CVB Manager will serve as staff to the Committee and represent the City of Modesto, within the limits dictated by fiscal constraints.

Section 6 The CVB Manager and/or staff shall be ex officio members of all Committee committees.

Article V

Terms of Office

Section 1 The term of office shall be effective as of the first of January.

Section 2 The term of office shall be four (4) years for each member of the Committee, subject to the provisions of Section 4. Members may be re-appointed after their initial term, but in no event shall any person who has served two (2) consecutive terms on the Committee be eligible for re-appointment to the Committee. Committee members are eligible for re-appointment to the Committee after a two- (2) year absence.

Section 3 Serving any portion of an unexpired term shall not be counted as service of one term. Members not eligible for re-appointment may continue to serve until their successors are appointed and meet all of the qualifications outlined in Article IV Membership and Staffing of these Bylaws. No member shall serve more than a maximum of eight (8) consecutive years.

Section 4 The terms of office for the Committee will be set to coincide with the term of office of their respective appointing City Council member. Each member's term shall terminate on December 31 of his or her respective year.

Section 5 The members of the Committee shall receive no compensation for the performance of their official duties.

Section 6 Appointments to fill vacancies on the Committee shall be handled in the same manner as original appointments. When a vacancy occurs during a term, the appointment to fill such vacancy shall be for the unexpired portion of the term.

Section 7 A member of the Committee may be removed by a majority vote of the City Council after a recommendation by the Committee or by the Director of Parks, Recreation and Neighborhoods or his designee and/or a majority vote of the Committee. Reasons for removal of a Committee member from the Committee are:

A. Incompetence, malfeasance, misfeasance, neglect of duty, or conviction of a crime involving moral turpitude.

B. Refusal to resign from the Committee when no longer having a residence, business interest, or employment in the City of Modesto.

C. Automatic removal from the Committee will be required when a member is absent from three (3) meetings within a twelve- (12) month period without official permission expressed in the official minutes.

Article VI

Attendance at Meetings

Section 1 It shall be the responsibility of each member to know the dates and times of all regular meetings of the Committee. If a member knows he or she will not be able to attend a regularly scheduled meeting, it shall be his or her responsibility to notify the Committee Chair or Staff Liaison at least forty-eight hours before the meeting, in order for the absence to be recorded as an excused absence.

Section 2 The CVB staff will document when any Committee member is late arriving for a meeting or when a Committee member leaves a meeting before adjournment. The minutes of each meeting will list those members in attendance, those who are excused and those who are unexcused.

Article VII

Officers and Their Duties

Section 1 Officers shall consist of Chair and Vice-chair, elected by a majority vote of the members of the Committee. Officers shall serve a one- (1) year term commencing on July 1. The election shall be held at the July meeting.

Section 2 All officers shall exercise all privileges of membership, including the making of motions, seconding and debate.

Section 3 The Chair and Vice-chair shall not serve consecutive terms.

Section 4 The Chair shall preside at all meetings. The Chair shall appoint all committee chairs, subject to majority Committee approval, and shall ensure that the Bylaws, rules and regulations as adopted by the Committee are properly enforced. The Chair shall be an ex-officio member of all committees.

Section 5 The Vice-chair shall assist the Chair in his/her duties and in the absence of the Chair shall perform all duties usually performed by the Chair.

Section 6 The CVB shall provide a staff member to serve as secretary. He/she shall keep a record of the minutes of all meetings, reports of committees and such

other duties as are usually performed by a secretary. He/she shall supply the members of the Committee and any committees and the Director of Parks, Recreation and Neighborhoods and his/her designee(s) with copies of all records taken within three (3) weeks after a meeting takes place. He/she shall also assist in publicity releases concerning Committee activities.

Article VIII

Meetings

Section 1 Regular meetings of the Committee shall be held on the third Thursday of every month.

Section 2 In the event that a regular meeting falls on a holiday, the meeting shall be scheduled by a vote of the Committee. Special meetings shall be called by the Chair as necessary.

Section 3 Notices of all meetings, including an agenda, shall be given to all members of the Committee, to the City Clerk, to the City Manager, to the Director of Parks, Recreation and Neighborhoods and to all others as provided by law. All such notices shall be furnished to the Committee in writing at least seventy-two hours prior to the time of such meeting.

Section 4 All meeting agendas will be posted at Tenth Street Place and will be available at the following public facilities: Tenth Street Place, the Main Branch of the Stanislaus County Free Library and at Modesto Convention and Visitors' Bureau office.

Section 5 All meetings shall comply with the requirements of the Ralph M. Brown Act.

Section 6 A quorum is necessary for the Committee to transact any business. A quorum shall be defined as a simple majority of active Committee members.

Section 7 All meetings of the Committee or its committees shall be open to the public and shall be held at a public facility that is accessible in accordance with the regulations of the Americans with Disabilities Act.

Article IX

Order of Proceedings

Section 1 Robert's Rules of Order shall be the guide for parliamentary procedures in the conduct of Committee meetings.

Section 2 The order of proceedings of all meetings shall be as follows, subject to majority vote of the members present:

A. Call to Order
B. Approval of Minutes
C. Written Communications
D. Old Business
E. New Business
F. Oral Communications
G. Matters Too Late for the Agenda
H. Adjournment

Section 3 Members of the public shall not speak unless recognized by the Chair and shall state their names and city of residence before making any statement, which shall become a part of the public record. The Chair may remove any person who refuses to follow these rules or the decision of the Chair or fails to exercise proper decorum.

Article X

Amendments

Section 1 The Constitution and Bylaws may be recommended for amendment at a regularly scheduled meeting of the Committee. A written notice containing the proposed changes shall be provided to each member at least sixty (60) days prior to the meeting. When all other conditions are met, an amendment requires a simple majority vote of the active members of the Committee.

Section 2 The Constitution and Bylaws and any future amendments shall be subject to the final approval of the City Council and shall not and are not intended to exceed any of the powers and duties given to the Committee by the City Council.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-543

A RESOLUTION AUTHORIZING A DEPOSIT OF $20,000 FROM PACIFIC GAS AND ELECTRIC (PG&E) TO PAY ALL CITY EXPENSES CONNECTED WITH CITY'S REVIEW OF PG&E'S APPLICATION FOR A GAS FRANCHISE

WHEREAS, in August, 2002, Pacific Gas and Electric (PG&E) informed the City of Modesto of their plans for reorganization, and

WHEREAS, PG&E's reorganization will require the City of Modesto to issue a new franchise for PG&E's gas delivery business in the City of Modesto, and

WHEREAS, it is the City of Modesto's understanding from PG&E that the new gas provider will be GTrans, and

WHEREAS, it is the City of Modesto's understanding from PG&E that GTrans will not sell energy, but will transport natural gas on behalf of third parties for a fee, and

WHEREAS, Chapter 2 of Title 11 of the Modesto Municipal Code states in part that, before the City can consider such an application for a franchise, the City Council must first refer the application to the City Manager for his recommendation and report and determination of the amount of the deposit to accompany the franchise application, and

WHEREAS, the purpose of the deposit is to establish a fund out of which to pay all expenses connected with the consideration of the application, and

WHEREAS, the City of Modesto may incur costs such as outside legal counsel, consulting costs, advertising, engineering, clerical work, and any other costs related to the awarding of such a franchise, and

WHEREAS, all such costs will be deducted from the deposit,

WHEREAS, the City of Modesto will provide to PG&E a detailed accounting of all expenditures charged against the deposit, and

WHEREAS, the City of Modesto will refund any unused portion of the deposit to PG&E, and

WHEREAS, a deposit in the amount of $20,000 has been deemed sufficient to accompany PG&E's franchise application, and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that it hereby authorizes a deposit in the amount of $20,000 to accompany PG&E's franchise application to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-544

A RESOLUTION APPROVING A RAILBANKING AGREEMENT WITH UNION PACIFIC RAILROAD FOR TRANSFEROF THE VIRGINIA AVENUE RAILROAD CORRIDOR PROPERTY TO THE CITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, on December 14, 1999, Council Adopted Resolution No. 99-623, authorizing the City Manager to file a Trail Use Request (Railbanking Application) with the Surface Transportation Board (STB) to preserve the Virginia Avenue Railroad Corridor (Virginia Corridor) from Needham Street to Bangs Avenue for use as a Class I Bike Path/Trail, and

WHEREAS, on March 27, 2000, Union Pacific Railroad (Railroad) filed an Abandonment Request with STB, and

WHEREAS, on April 3, 2000, the City filed a request for a Notice of Interim Trail Use with STB for the Virginia Corridor property, and

WHEREAS, on May 15, 2000, STB served a decision and issued a Notice of Interim Trail Use for the Virginia Corridor, and

WHEREAS, the Notice of Interim Trail Use suspended the abandonment of the Virginia Corridor for a period of 180 days in order to allow the City and the Railroad time to reach an Agreement regarding the terms of transfer of property, and

WHEREAS, Phase I and Phase II Assessments were prepared for the Virginia Corridor property, and

WHEREAS, on December 19, 2001, the Department of Toxic Substances Control (DTSC) made a determination that, based upon the Phase I and II Assessments, the Virginia Corridor is suitable for Trail Use, and

WHEREAS, in January 2002, the City entered into a contract with Charles Montange to provide legal assistance in negotiating the terms of a Railbanking Agreement with Union Pacific Railroad, and

WHEREAS, the Railroad and the City have reached a Railbanking Agreement, a copy of which is attached hereto as Exhibit A, and

WHEREAS, said Agreement provides for transfer of the Union Pacific Right-of-Way to the City for the purchase price of $1.00 (one dollar), and

WHEREAS, said Agreement also provides for payment of a withdrawal fee of up to $15,716.00 for the removal of two signboards located within the Virginia Corridor, and

WHEREAS, the Virginia Corridor is a key component of the City's Non-motorized Transportation Master Plan, and

WHEREAS, the Virginia Corridor links residential neighborhoods with schools, parks, shopping and the downtown core, and

WHEREAS, the Virginia Corridor Project is strongly supported by the community and is part of existing, adopted policy documents, and

WHEREAS, the Virginia Corridor Project represents an opportunity to transform an abandoned railroad corridor into a beautiful, landscaped greenway, and

WHEREAS, assembling a corridor of this length – 3.92 miles – would be virtually impossible to achieve in an already-developed portion of the urban area, and

WHEREAS, the Virginia Corridor has received grant funding from state and federal sources, and

WHEREAS, acquisition of the Virginia Corridor property was anticipated as part of the City's *Non-motorized Transportation Master Plan*, adopted February 18, 1997, and

WHEREAS, the *Non-motorized Transportation Master Plan* identifies the Virginia Corridor right-of-way as part of the City's Class I Bicycle Path system,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Railbanking Agreement for acquisition of the Virginia Corridor Property from Union Pacific Railroad, a copy of which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the City Manager or his designee is authorized to execute said agreement with Union Pacific Railroad.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-545

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE SCOPE OF THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017) AND THE INITIAL STUDY AND NEGATIVE DECLARATION FOR THE "MODESTO NON-MOTORIZED TRANSPORTATION MASTER PLAN" (EA No. 96-118): APPROVAL OF A RAILBANKING AGREEMENT WITH UNION PACIFIC RAILROAD FOR TRANSFER OF THE VIRGINIA AVENUE RAILROAD CORRIDOR PROPERTY TO THE CITY FOR THE PURPOSE OF DEVELOPING A CLASS I BIKE PATH.

WHEREAS, on August 15, 1995, the Modesto City Council adopted Resolution No. 95-408 certifying that the Modesto Urban Area General Plan Environmental Impact Report ("EIR") (State Clearing House No. 92052017) as complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the City has prepared a master plan which identifies the Virginia Avenue railroad corridor as the site for a Class I Bikeway, and

WHEREAS, City staff prepared an Initial Study and Negative Declaration, entitled "Non-Motorized Transportation Master Plan", Environmental Assessment No. EA 96-118, which included the Virginia Avenue Railroad Corridor (Virginia Corridor) as a Class I Bikeway facility and determined it was within the scope of the Modesto Urban Area General Plan Master EIR (SCH No. 92052017), and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on February 18, 1997 at which time the Council adopted Resolution No. 1997-87, making certain findings and adopting the Negative Declaration, and

WHEREAS, on December 14, 1999, Council Adopted Resolution No. 99-623, authorizing the City Manager to file a Trail Use Request (Railbanking Application) with

the Surface Transportation Board (STB) to preserve the Virginia Corridor for use as a Class I Bike Path/Trail, and

WHEREAS, staff has completed negotiations with Union Pacific Railroad and is now recommending approval of a Railbanking Agreement for transfer of the Virginia Avenue Railroad Corridor property to the City of Modesto, and

WHEREAS, this matter will be considered by the City Council at its meeting on November 6, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA 96-118 and the approved Negative Declaration, entitled "Non-Motorized Transportation Master Plan", for the proposed project, and the Council hereby makes the following findings:

1. As per Section 15162 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Modesto "Non-Motorized Transportation Master Plan" and the Initial Study and Negative Declaration, and no new environmental document or findings are required by CEQA.

2. The project will have no new effects which were not examined in the Initial Study and Negative Declaration and no new mitigation measures would be required.

3. There are no substantial changes proposed in the project which will require revisions to the Initial Study and Negative Declaration.

4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Initial Study and Negative Declaration.

5. No new information, which was not known and could not have been known at the time the Initial Study and Negative Declaration was approved, has become available.

6. There are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Initial Study and Negative Declaration will be sufficient for this project.

7. The Initial Study and Negative Declaration, Environmental Assessment No. EA 96-118, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA 96-118, entitled "Non-Motorized Transportation Master Plan", is on file with the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Mike Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-546

A RESOLUTION ACCEPTING IMPROVEMENTS IN THE FAIRMONT POINTE SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, DOMINION DEVELOPERS, L.P., a California Limited Partnership, is the subdivider of the Fairmont Pointe Subdivision, and

WHEREAS, DOMINION DEVELOPERS, L.P., a California Limited Partnership, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $1,043,540.00 and $521,770.00, respectively, and

WHEREAS, DOMINION DEVELOPERS, L.P., a California Limited Partnership, has filed a warranty bond in the amount of $104,354.00 to guarantee improvements in the Fairmont Pointe Subdivision, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file a Notice of Completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The improvements in Fairmont Pointe Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $1,043,540.00 upon recordation of the Notice of Completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $521,770.00 sixty (60) days after the Notice of Completion provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $104,354.00 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-547

A RESOLUTION ACCEPTING IMPROVEMENTS IN THE FAIRMONT POINTE NO. 2 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, DOMINION DEVELOPERS, L.P., a California Limited Partnership, is the subdivider of the Fairmont Pointe No. 2 Subdivision, and

WHEREAS, DOMINION DEVELOPERS, L.P., a California Limited Partnership, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $364,910.00 and $182,450.00, respectively, and

WHEREAS, DOMINION DEVELOPERS, L.P., a California Limited Partnership, has filed a warranty bond in the amount of $36,491.00 to guarantee improvements in the Fairmont Pointe No. 2 Subdivision, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file a Notice of Completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The improvements in Fairmont Pointe No. 2 Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $364,910.00 upon recordation of the Notice of Completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $182,455.00 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $36,491.00 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-548

A RESOLUTION APPROVING THE FINAL MAP OF THE VILLAGE HIGHLANDS NO. 7 SUBDIVISION IN THE CITY OF MODESTO

WHEREAS, INLAND VILLAGE, a California General Partnership, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 10.2 acres, known as the VILLAGE HIGHLANDS NO. 7 ("SUBDIVISION"), in the Village One Specific Plan Area, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 6th day of May, 2002, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, the subdivider has posted securities for payment and performance to secure all improvements and has posted securities for the maintenance and closure of a temporary storm drainage basin and completion of a temporary cul-de-sac,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. In addition to the securities set forth in Section 4-4.605, the subdivider shall furnish securities for the completion of a temporary cul-de-sac to a through residential street and for the development and maintenance of a temporary storm drain basin. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code and an Agreement for the Development and Maintenance of a Temporary Storm Drain Basin.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
MICHAEL D. MILICH, City Attorney

By _____
ALISON A. BARRATT-GREEN
Senior Deputy City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 449

A RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF $53,233 AND APPROVING THE MODESTO JUVENILE IMPACT PROGRAM, A GRANT PROGRAM WITH THE STATE OFFICE OF CRIMINAL JUSTICE PLANNING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY GRANT DOCUMENTS

WHEREAS, the Modesto Police Department has proposed a project to the State Office of Criminal Justice Planning designated the Modesto Juvenile Impact Program to continue the WAKE-UP (**W**illing to become **A**ware and to **G**ain **K**nowledge of **E**xperiences that are **U**seful **P**rogram) sessions and the Diversion Clean-Up Work Details, and

WHEREAS, Modesto's allocation under this program is $53,233 from the State with a local match of $5,915 for a total program amount of $59,148 for the 2002/2003 fiscal year, and

WHEREAS, 470 of Modesto's at-risk and diversion referred juveniles will be served by this program, and

WHEREAS, approval of this program will assist in attaining the Health and Safety Plan Strategic Action to "Develop and implement **Youth Crime Prevention Programs,**" and

WHEREAS, this grant program was discussed at the Safety and Communities Committee at its meeting on June 3, 2002, and

WHEREAS, in anticipation of the approval of this program, funds were budgeted in the 2002/2003 Police Department Budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant in the amount of $53,233 and approves the Modesto Juvenile Impact Program with the State Office of Criminal Justice Planning.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City of Modesto agrees to provide the matching funds in the amount of $5,915 for the program.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NUMBER 2002-550

A RESOLUTION AMENDING THE FISCAL YEAR 2002/03 BUDGET TO TRANSFER FUNDS FROM THE GENERAL FUND TO THE OPERATING GRANT FUND FOR THE 2002 "MODESTO JUVENILE IMPACT PROGRAM"

WHEREAS, the Modesto Police Department has proposed a project to the State Office of Criminal Justice Planning designated the Modesto Juvenile Impact Program to continue the WAKE-UP (**W**illing to become **A**ware and to Gain **K**nowledge of **E**xperiences that are **U**seful **P**rogram) sessions and the Diversion Clean-Up Work Details, and

WHEREAS, Modesto's allocation under this program is $53,233 from the State with a local match of $5,915 for a total program amount of $59,148 for the 2002/2003 fiscal year, and

WHEREAS, 470 of Modesto's at-risk and diversion referred juveniles will be served by this program, and

WHEREAS, approval of this program will assist in attaining the Health and Safety Plan Strategic Action to "Develop and implement **Youth Crime Prevention Programs,**" and

WHEREAS, this grant program was discussed at the Safety and Communities Committee at its meeting on June 3, 2002, and

WHEREAS, Modesto's approved State allocation is 53,233, with a required local match of $5,915, for a total program amount of $59,148, and

WHEREAS, because the grant project was expected to be approved, the grant and its match were budgeted in the Police Department's 2002/2003 operating budget, and

WHEREAS, staff is now requesting that this grant be re-appropriated in Fund 0410, the Operating Grants Fund, in order to separately track the expenditures for this grant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2002/03 Annual Budget is hereby amended to reduce the General Fund revenues and appropriations and re-appropriate the funds as follows:

Revenue:	$53,233	0410-190-2986-3507	2002 Juvenile Impact Grant
	$ 5,915	0410-190-2986	City Match
Appropriations:	$59,148	0410-190-2986 various accounts	2002 Juvenile Impact Grant

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-551

A RESOLUTION APPROVING EXCEPTIONS TO THE TITLE SET FORTH IN THE PRELIMINARY TITLE REPORT AND ACCEPTING AN ENVIRONMENTAL INVESTIGATION BY NORTH AMERICAN TECHNICAL SERVICES FOR APPROXIMATELY 5.5 ACRES (APN 034-15-01, 034-15-02 AND 034-18-03) THE CITY IS PURCHASING FROM DANO CONSTRUCTION FOR USE AS A TRAILHEAD AND SCENIC OVERLOOK.

WHEREAS, the City desires to purchase approximately 5.5 acres of property located on Scenic Drive abutting Dry Creek for use as a trailhead and scenic overlook, and

WHEREAS, Dano Construction (Dan Monterosso) owns parcels known as APN 034-15-01, 034-15-02 AND 034-18-03, and

WHEREAS, Dano Construction has agreed to sell these parcels to the City for a total purchase price of $1,050,000, and

WHEREAS, on September 24, 2002, the City Council approved a purchase agreement with Dano Construction, and

WHEREAS, purchase of these parcels is contingent upon the City's approval of any exceptions to the title set forth in the preliminary title report and acceptance of an environmental investigation for hazardous materials, and

WHEREAS, a copy of the Preliminary Title Report is included as Exhibit "A" attached hereto and incorporated herein by reference, and

WHEREAS, North American Technical Services has completed the investigation to the satisfaction of staff, and

WHEREAS, Fidelity National Title Company has completed the preliminary title report, and the only exceptions acceptable to staff are items number 9, 10, 11, and 12, as shown on the preliminary title report (**Exhibit "A"**), and

WHEREAS, all other exceptions shown on the preliminary title report are to be cleared by the owner before closing,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves exceptions number 9, 10, 11 and 12 to the title as set forth in the preliminary title report (Exhibit "A").

BE IT FURTHER RESOLVED that the Environmental Investigation by North American Technical Services for approximately 5.5 acres (APN 034-15-01, 034-15-02 and 034-18-03) the City is purchasing from Dano Construction for use as a trailhead and scenic overlook is hereby accepted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Conrad
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Fidelity National Title Company

PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein, ***Fidelity National Title Company*** *hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.*

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth in Exhibit A attached. Copies of the Policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The Policy(s) of title insurance to be issued hereunder will be policy(s) of Fidelity National Title Insurance Company, a California corporation.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

FIDELITY NATIONAL TITLE COMPANY OF CALIFORNIA

SEAL

BY

ATTEST

Countersigned

Fidelity National Title Company
OF CALIFORNIA

3425 Coffee Road, Suite C1 • Modesto, CA 95355
(209) 529-0231 • FAX (209) 526-1639

PRELIMINARY REPORT

ESCROW OFFICER: Kathie Palombi

ORDER NO.: 1021304 - A
Amendment
LOAN NO.:

TO: Dano Construction, Inc.
1228 Ohio
Modesto, CA 95351

SHORT TERM RATE: Yes

PROPERTY ADDRESS: Scenic Drive, Modesto, California

EFFECTIVE DATE: October 1, 2002, 07:30 A.M.

The form of Policy or Policies of title insurance contemplated by this report is:

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

   A Fee as to Parcel Nos. 1, 2 and 3; Easement more fully described as to Parcel No. 4

2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

   Dano Construction, Inc., a California Corporation

3. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF MODESTO, IN THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

   SEE EXHIBIT "ONE" ATTACHED HERETO AND MADE A PART HEREOF

SM\SM 10/11/2002

EXHIBIT "ONE"

PARCEL NO. 1:
All that portion of the Northwest quarter of the Northwest quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, bounded and particularly described as follows:

Commencing at a one inch iron pipe set for the Southeast corner of the Northwest quarter of the Northwest quarter of said Section 27, above Township and Range; running thence North 89 degrees 52' West along the South line of said Northwest quarter of the Northwest quarter of said Section 27, a distance of 862.23 feet to the point of commencement of this description; thence North 16 degrees 07' West a distance of 117.56 feet to the South boundary of County Road; thence South 69 degrees 04' West along the South boundary of said County Road, a distance of 314.00 feet, more or less to the intersection of the South line of said County Road and the South line of the Northwest quarter of the Northwest quarter of said Section 27; thence South 89 degrees 52' East, a distance of 326.00 feet, more or less to the point of commencement.

EXCEPTING THEREFROM that portion conveyed to County of Stanislaus by Deed recorded May 1, 1986 in reel 112 of Official Records, Image 0741.

Assessors Parcel No. 034-15-01-330

PARCEL NO. 2:
All that portion of the Northwest quarter of the Northwest quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, bounded and particularly described as follows:

Commencing at a one inch iron pipe set for the Southeast corner of the Northwest quarter of the Northwest quarter of said Section 27, above Township and Range; running thence North 89 degrees 52' West along the South line of said Northwest quarter of the Northwest quarter of said Section 27, a distance of 862.23 feet to the Southeast corner of tract conveyed to John William Rifenburg by document recorded March 27, 1935 as Instrument No. 3371 in Volume 558 of Official Records, Page 291, Stanislaus County Records and place of commencement of this description; thence North 16 degrees 07' West along the East line of land so conveyed to John William Rifenburg, a distance of 117.56 feet to the South side of County Road; thence North 69 degrees 04' East along the South side of said County Road, a distance of 75 feet to a point; thence South 16 degrees 07' East, a distance of 145.65 feet to a point on the South line of said Northwest quarter of the Northwest quarter of said Section 27; thence North 89 degrees 52' West, a distance of 77.82 feet to the Southeast corner of land conveyed to John William Rifenburg and place of commencement.

EXCEPTING THEREFROM that portion conveyed to County of Stanislaus by Deed recorded May 1, 1986 in Reel 112 of Official Records, Image 741.

Assessors Parcel No. 034-15-02-491

PARCEL NO. 3:
All that portion of the Southwest quarter of the Northwest quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as:

Commencing at the Northwest corner of said Section 27; thence South 0 degrees 03' West 1372.00 feet to the South line of 50 foot County Road known as Scenic Drive;

thence North 68 degrees 32' 30" East 15.39 feet along the South line of said Scenic Drive; thence North 69 degrees 31' East 125.11 feet along South line of said Scenic Drive; thence South 89 degrees 24' East 168.30 feet to the true point of beginning of this description; thence continue South 89 degrees 24' East 1020.00 feet to the East line of the Southwest quarter of Northwest quarter of said Section 27; thence South 0 degrees 04.5' West 111.01 feet along quarter quarter line to the center line of Beard Brook; thence continue downstream along said center line the following courses and distances; South 74 degrees 07' West 167.72 feet; South 63 degrees 07' West 129.67 feet; South 82 degrees 40' West 208.10 feet; North 89 degrees 23' West 404.65 feet; South 81 degrees 29' West 133.29 feet; thence leaving said center line of said Beard Brook, North 268.17 feet to the true point of beginning.

Assessors Parcel No. 034-18-03-070

PARCEL NO. 4:
An easement 30 feet wide for road, water and sewer the center line being described as follows:

All that portion of the Southwest quarter of the Northwest quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as:

Commencing at the Northwest corner of said Section 27; thence South 0 degrees 03' West 1372.00 feet to the South line of a 50 foot County Road known as Scenic Drive; thence North 68 degrees 32' 30" East 15.39 feet, along the South line of said Scenic Drive; thence North 69 degrees 31' East 91.75 feet along the South line of said Scenic Drive to the true point of beginning of said center line; thence along said center line South 89 degrees 24' East 136.00 feet (along a line situated 15 feet North of a building foundation) to a tangent point on a compound curve concave to the Southwest; thence, 157.08 feet along circular curve to point of compound curve (radius being 100.00 feet; central angle being 90 degrees 00'); thence 97.74 feet along circular curve to a point (radius being 80.00 feet, central angle being 70 degrees 00'); thence on a tangent South 70 degrees 36' West 106 feet more or less to a point on center line of an easement, 20 feet in width from Emmett Smith and Ann Endicott Smith to County of Stanislaus recorded January 3, 1957 in Official Records, Volume 1402 at Page 544 in the Office of Stanislaus County Recorder, said point is the end of this center line description.

Excepting therefrom:
That portion of said strip of land lying within the boundary of parcel no. 3 hereinabove described.

Order No. 1021304 - A

AT THE DATE HEREOF, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. Property taxes, including any personal property taxes and any assessments collected with taxes, for the fiscal year 2002-2003, Assessor's Parcel Number 034-15-01.

Code Area Number:	2-119
1st Installment:	$450.07 open
2nd Installment:	$450.07 open
Land:	$83,232.00
Improvements:	$0.00
Exemption:	$none
Personal Property:	$
Bill No.:	1519185

2. Property taxes, including any personal property taxes and any assessments collected with taxes, for the fiscal year 2002-2003, Assessor's Parcel Number 034-15-02.

Code Area Number:	2-182
1st Installment:	$281.29 open
2nd Installment:	$281.29 open
Land:	$52,020.00
Improvements:	$0.00
Exemption:	$none
Personal Property:	$
Bill No.:	1519186

3. Property taxes, including any personal property taxes and any assessments collected with taxes, for the fiscal year 2002-2003, Assessor's Parcel Number 037-18-03.

Code Area Number:	2-119
1st Installment:	$956.41 open
2nd Installment:	$956.41 open
Land:	$176,868.00
Improvements:	$0.00
Exemption:	$none
Personal Property:	$
Bill No.:	1519242

4. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation code of the State of California.

ITEMS: (Continued) Order No. 1021304 - A

5. Said property has been declared tax defaulted for non-payment of delinquent taxes for the fiscal year 1999-2000.

APN: 034 15 02 320
Default No.: 45418
Default Date: None Shown

Amounts to redeem for the above stated fiscal year (and subsequent years, if any) are:

Amount: $1,811.46
By: October 31, 2002

6. Said property has been declared tax defaulted for non-payment of delinquent taxes for the fiscal year 1999-2000.

APN: 034 15 01 320
Default No.: 45417
Default Date: None Shown

Amounts to redeem for the above stated fiscal year (and subsequent years, if any) are:

Amount: $2,941.46
By: October 31, 2002

7. Said property has been declared tax defaulted for non-payment of delinquent taxes for the fiscal year 1999-2000.

APN: 034 18 03 070
Default No.: 45420
Default Date: None Shown

Amounts to redeem for the above stated fiscal year (and subsequent years, if any) are:

Amount: $6,153.20
By: October 31, 2002

8. Any adverse claim based upon the assertion that:

a. Said land or any part thereof is now or at any time has been below the highest of the high watermarks of the Dry Creek Waterway, in the event the boundary of said river has been artificially raised or is now or at any time has been below the high watermark, if said river is in its natural state.

b. Some portion of said land has been created by artificial means or has accreted to such portion so created.

c. Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Dry Creek Waterway, or has been formed by accretion to any such portion.

9. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to:	Harold J. Kreutz
Purpose:	Road, Water and sewer
Recorded:	May 3, 1982, Instrument/File No. 59521, Book 3550, Page 307, of Official Records
Affects:	A 30 foot strip located along the westerly portion of parcel no. 3

10. The fact that said land is included within a project area of the Redevelopment Agency shown below, and that proceedings for the redevelopment of said project have been instituted under the Redevelopment Law (such redevelopment to proceed only after the adoption of the redevelopment plan) as disclosed by a document.

Redevelopment Agency:	Amended Modesto redevelopment project
Recorded:	November 27, 1991, Instrument/File No. 94041, of Official Records

11. Easement(s) for the purposes(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract.

Purpose:	Bike Path
Affects:	12 foot strip as shown on County Assessors Map

12. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to:	City of Modesto
Purpose:	Temporary Sewer Easement
Recorded:	August 22, 1994, Instrument/File No. 94-83008, of Official Records
Affects:	A portion of parcel 3

13. A deed of trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby

Amount:	$200,000.00
Dated:	December 20, 1999
Trustor:	Dano Construction, Inc., a California Corporation
Trustee:	Stewart Title of California, Inc.
Beneficiary:	Union Safe Deposit Bank Custodian under IRA for benefit of R.K. Lowe
Loan No.:	
Recorded:	December 23, 1999, Instrument No. 118410, of Official Records

An agreement to modify the terms and provisions of said deed of trust as therein provided

Executed by:	Dano Construction
Recorded:	January 16, 2001, Instrument No. 01-0003888, of Official Records

ITEMS: (Continued) Order No. 1021304 - A

14. A deed of trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby

Amount:	$27,500.00
Dated:	December 27, 2001
Trustor:	Dano Construction, a California Corporation
Trustee:	Fidelity National Title Company, a California Corporation
Beneficiary:	R.K. Lowe, Trustee of the R.K. Lowe Revocable Trust dated August 12, 1997
Loan No.:	
Recorded:	January 16, 2001, Instrument No. 01-003889, of Official Records

15. A deed of trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby

Amount:	$236,000.00
Dated:	July 26, 2001
Trustor:	Dano Construction, a California Corporation
Trustee:	Fidelity National Title Company, a California Corporation
Beneficiary:	Kelly J. Bohannon, an unmarried woman, as to an undivided 55.08% interest; Michael Whiteley, an unmarried man, as to an undivided 23.73% interest; and R.K. Lowe and Judith Ann Lowe, husband and wife as joint tenants as to an undivided 21.19% interest
Loan No.:	
Recorded:	August 1, 2001, Instrument No. 01-0087562, of Official Records

A partial assignment of the beneficial interest under said deed of trust

From:	Kelly J. Bohannon and Michael Whiteley
To:	Union Safe Deposit Bank Custodian under IRA for benefit of R.K. Lowe
Recorded:	March 22, 2002, Instrument No. 02-0036972, of Official Records
As to:	78.81 % interest
Affects:	Parcels 1 and 2

16. A deed of trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby

Amount:	$150,000.00
Dated:	March 15, 2002
Trustor:	Dano Construction, a California Corporation
Trustee:	Fidelity National Title Company, a California Corporation
Beneficiary:	Kelly J. Bohannon, an unmarried woman, as to an undivided 66.67% interest Michael Whiteley, an unmarried man, as to an undivided 33.33% interest
Loan No.:	
Recorded:	March 15, 2002, Instrument No. 02-0034162, of Official Records
Affects:	Parcels 1 and 2

END OF ITEMS

Note 1. The name(s) of the buyer(s) furnished with this application for Title Insurance is/are:

City of Modesto

If these names are incorrect, incomplete or misspelled, please notify the Company.

Note 2. The only deeds affecting said land, which recorded within twenty-four (24) months of the date of this report, as are follows:

Grantor:	U.S. Bank, N.A.
Grantee:	Dano Construction, Inc.
Recorded:	December 23, 1999, Instrument No. 118409, of Official Records

Note 3. Section 12413.1, California Insurance Code became effective January 1, 1990. This legislation deals with the disbursement of funds deposited with any title entity acting in an escrow or subescrow capacity. The law requires that all funds be deposited and collected by the title entity's escrow and/or subescrow account prior to disbursement of any funds. Some methods of funding may subject funds to a holding period which must expire before any funds may be disbursed. In order to avoid any such delays, all fundings should be done through wire transfer, certified check or checks drawn on California financial institutions.

Note 4. The charge where an order is cancelled after the issuance of the report of title, will be that amount which in the opinion of the Company is proper compensation for the services rendered or the purpose for which the report is used, but in no event shall said charge be less than the minimum amount required under Section 12404.1 of the Insurance Code of the State of California. If the report cannot be cancelled "no fee" pursuant to the provisions of said Insurance Code, then the minimum cancellation fee shall be that permitted by law.

Note 5. California Revenue and Taxation Code Section 18668, effective January 1, 1991, requires that the buyer in all sales of California Real Estate, wherein the Seller shows an out of State Address, withhold 3-1/3% of the total sales price as California State Income Tax, subject to the various provisions of the law as therein contained.

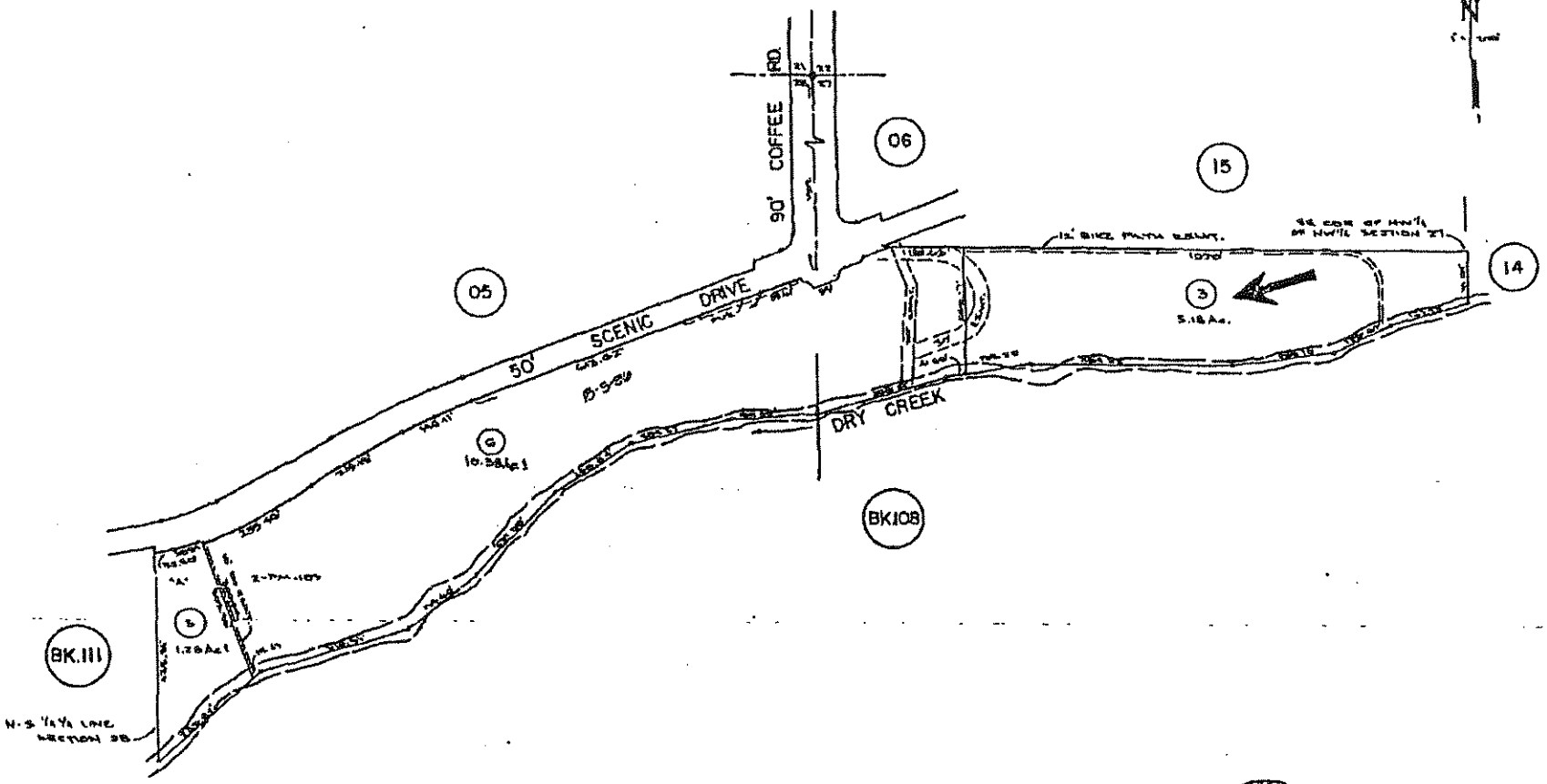
SCALE IN 1/10 OF AN INCH

PORTION N 1/2 SECTIONS 27 & 28 T. 3S. R. 9 E. M.D.B.& M.

2 01
2 119

34-18

THIS MAP FOR
ASSESSMENT PURPOSES ONLY



FROM T-58, 62, 64-15
R S 2-62
URBAN SURVEY FOR CLOVIS AREA (1960 MONKEY)
T-76-78 UPDATED 2-16-82

63

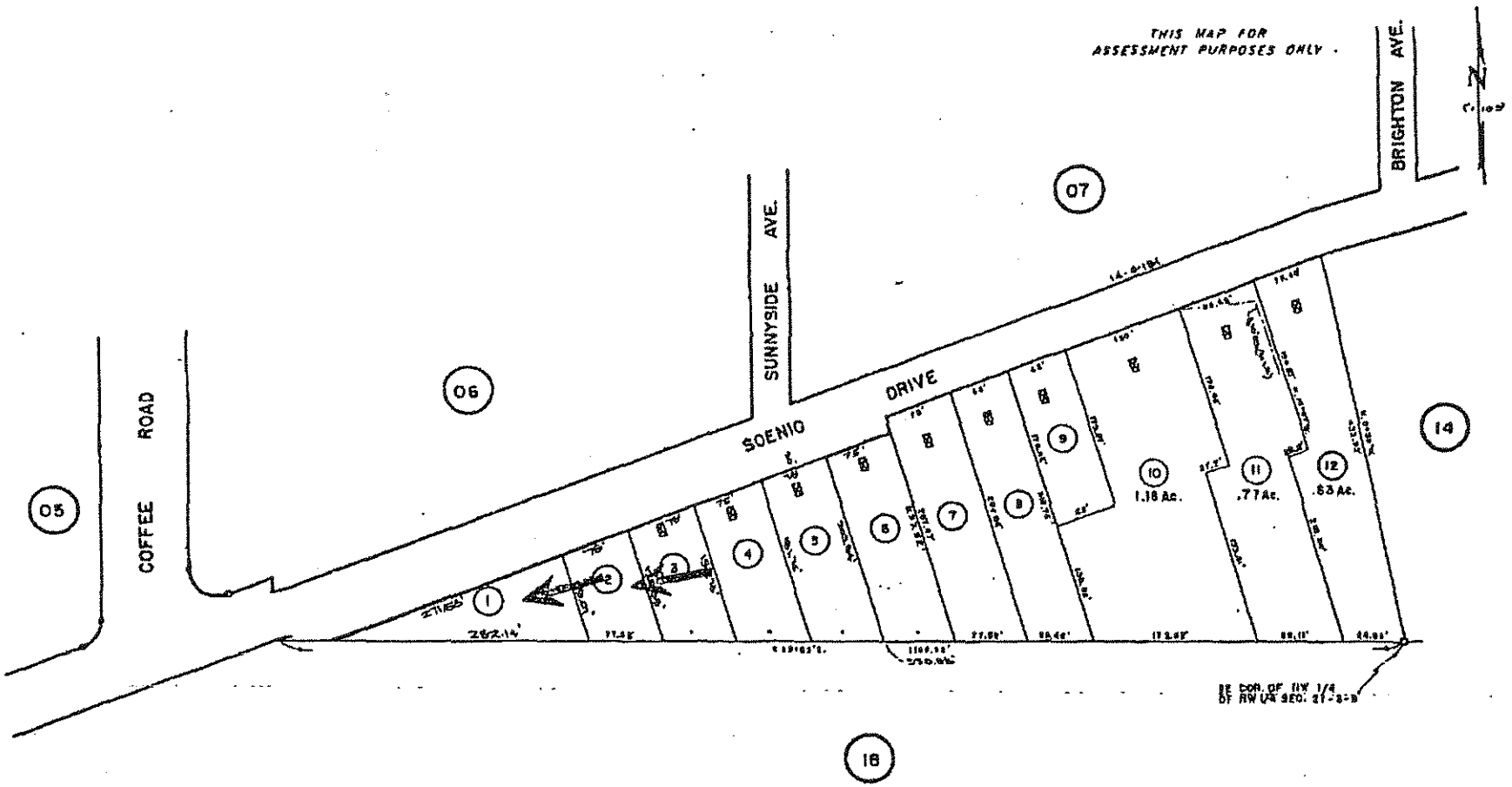
34-18

SCALE IN 1/10 OF AN INCH

PORTION NW 1/4 SECTION 27 T. 3 S. R. 9 E. M. D. B. & M.

002 119 34 - 15

THIS MAP FOR ASSESSMENT PURPOSES ONLY.



FROM P-35
R. S. 1-107
UPDATED 5-12-64

63

34 - 15

EXHIBIT A

AMERICAN LAND TITLE ASSOCIATION
RESIDENTIAL TITLE INSURANCE POLICY (6-1-87) EXCLUSIONS

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:
   - land use
   - improvements on the land
   - land division
   - environmental protection

   This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at policy date.
   This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.
2. The right to take the land by condemning it, unless:
   - a notice of exercising the right appears in the public records on the Policy Date
   - the taking happened prior to the Policy Date and is binding on you if you bought the land without knowledge of the taking
3. Title Risks:
   - that are created, allowed, or agreed to by you
   - that are known to you, but not to us, on the Policy Date-unless they appeared in the public records
   - that result in no loss to you
   - that first affect your title after the Policy Date - this does not limit the labor and materials lien coverage in Item 8 of Covered Title Risks
4. Failure to pay value for your title.
5. Lack of a right:
   - to any land outside the area specifically described and referred to in Item 2 of Schedule A
   - or
   - in streets, alleys, or waterways that touch your land

   This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

SCHEDULE B
EXCEPTIONS

In addition to the Exclusions, you are not insured against loss, costs, attorneys' fees, and the expenses resulting from:

1. Any rights, interests, or claims of parties in possession of the land not shown by the public records.
2. Any easements or liens not shown by the public records. This does not limit the lien coverage in Item 8 of Covered Title Risks.
3. Any facts about the land which a correct survey would disclose and which are not shown by the public records. This does not limit the forced removal coverage in Item 12 of Covered Title Risks.
4. Any water rights or claims or title to water in or under the land, whether or not shown by the public records.

CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
   (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
   (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
   (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
   (c) resulting in no loss or damage to the insured claimant;
   (d) attaching or created subsequent to Date of Policy; or
   (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

SCHEDULE B, PART I
EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

PART 1

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.

EXHIBIT A
(CONTINUED)

AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (10-17-92)
WITH A.L.T.A. ENDORSEMENT-FORM 1 COVERAGE AND
AMERICAN LAND TITLE ASSOCIATION LEASEHOLD LOAN POLICY (10-17-92)
WITH A.L.T.A. ENDORSEMENT-FORM 1 COVERAGE
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
   (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
   (a) created, suffered, assumed or agreed to by the insured claimant;
   (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
   (c) resulting in no loss or damage to the insured claimant;
   (d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or to the extent insurance is afforded herein as to assessments for street improvements under construction or completed at Date of Policy); or
   (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
   (i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
   (ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
   (iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
      (a) to timely record the instrument of transfer; or
      (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (10-17-92) AND
AMERICAN LAND TITLE ASSOCIATION LEASEHOLD OWNER'S POLICY (10-17-92)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
   (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
   (a) created, suffered, assumed or agreed to by the insured claimant;
   (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
   (c) resulting in no loss or damage to the insured claimant;
   (d) attaching or created subsequent to Date of Policy; or
   (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
   (i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
   (ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
      (a) to timely record the instrument of transfer; or
      (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above ALTA policy forms may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following General Exceptions:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

EXHIBIT A
(CONTINUED)

CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (6-2-98)
ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (10-17-98)
EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes ordinances, laws and regulations concerning:
   a. building
   b. zoning
   c. Land use
   d. improvements on Land
   e. Land division
   f. environmental protection

   This Exclusion does not apply to violations or the enforcement of these matters if notice of the violation or enforcement appears in the Public Records at the Policy Date.
   This Exclusion does not limit the coverage described in Covered Risk 14, 15, 16, 17 or 24.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at the Policy Date.
3. The right to take the Land by condemning it, unless:
   a. notice of exercising the right appears in the Public Records at the Policy Date; or
   b. the taking happened before the Policy Date and is binding on You if You bought the Land without Knowing of the taking.
4. Risks:
   a. that are created, allowed, or agreed to by You, whether or not they appear in the Public Records;
   b. that are Known to You at the Policy Date, but not to Us, unless they appear in the Public Records at the Policy Date;
   c. that result in no loss to You; or
   d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.d, 22, 23, 24 or 25.
5. Failure to pay value for Your Title.
6. Lack of a right:
   a. to any Land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
   b. in streets, alleys, or waterways that touch the Land.

   This Exclusion does not limit the coverage described in Covered Risk 11 or 18.

RESIDENTIAL TITLE INSURANCE POLICY
ONE-TO-FOUR FAMILY RESIDENCE
ENHANCED VERSION (1997)
EXCLUSIONS

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:
   a. land use;
   b. improvements on the land;
   c. land divisions; or
   d. environmental protection.

   This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at Policy Date.
   This exclusion does not limit the coverage described in Item 12a and d, 13 and 16 of Covered Title Risks.
2. The right to take the land by condemning it, unless:
   a. a notice of exercising the right appears in the public records on the Policy Date; or
   b. the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking.
3. Title Risks:
   a. that are created, allowed, or agreed to by you;
   b. that are known to you, but not to us, on the Policy Date - unless they appeared in the public records;
   c. that result in no loss to you; or
   d. that first affect your title after the Policy Date - this does not limit the coverage described in Items 3b, 8, 17 and 18 of Covered Title Risks.
4. Failure to pay value for your title.
5. Lack of a right: (a) to any land outside the area specifically described and referred to in Item 3 of Schedule A or (b) in streets, alleys, or waterways that touch your land.

   This exclusion does not limit the coverage described in Items 5 and 12a of the Covered Title Risks.

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (10/13/01)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the Land; (ii) the character, dimensions, or location of any improvement now or hereafter erected on the Land; (iii) a separation in ownership or a change in the dimensions or area of the Land or any parcel of which the Land is or was a portion; (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the Land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 12, 13, 14, and 16 of this policy.
   (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the Land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 12, 13, 14, and 16 of this policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the Public Records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without Knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
   (a) created, suffered, assumed or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (this paragraph does limit the coverage provided under Covered Risks 8, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 26); or
   (e) resulting in loss or damage which would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of the Insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the Land is situated.
5. Invalidity or unenforceability of the lien of the Insured Mortgage, or claim thereof, which arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, except as provided in Covered Risk 27, or any consumer credit protection or truth in lending law.
6. Real property taxes or assessments of any governmental authority which become a lien on the Land subsequent to Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 7, 8(e) and 26.
7. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This exclusion does not limit the coverage provided in Covered Risk 8.
8. Lack of priority of the lien of the Insured Mortgage as to each and every advance made after Date of Policy, and all interest charged thereon, over liens, encumbrances and other matters affecting the title, the existence of which are Known to the Insured at:
   (a) The time of the advance; or
   (b) The time a modification is made to the terms of the Insured Mortgage which changes the rate of interest charged, if the rate of interest is greater as a result of the modification than it would have been before the modification. This exclusion does not limit the coverage provided in Covered Risk 8.
9. The failure of the residential structure, or any portion thereof to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at Date of Policy.

Fidelity National Financial Group of Companies' Privacy Statement

July 1, 2001

We recognize and respect the privacy expectations of today's consumers and the requirements of applicable federal and state privacy laws. We believe that making you aware of how we use your non-public personal information ("Personal Information"), and to whom it is disclosed, will form the basis for a relationship of trust between us and the public that we serve. This Privacy Statement provides that explanation. We reserve the right to change this Privacy Statement from time to time consistent with applicable privacy laws.

In the course of our business, we may collect Personal Information about you from the following sources:

- From applications or other forms we receive from you or your authorized representative;
- From your transactions with, or from the services being performed by, us, our affiliates, or others;
- From our internet web sites;
- From the public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others; and
- From consumer or other reporting agencies.

Our Policies Regarding the Protection of the Confidentiality and Security of Your Personal Information

We maintain physical, electronic and procedural safeguards to protect your Personal Information from unauthorized access or intrusion. We limit access to the Personal Information only to those employees who need such access in connection with providing products or services to you or for other legitimate business purposes.

Our Policies and Practices Regarding the Sharing of Your Personal Information

We may share your Personal Information with our affiliates, such as insurance companies, agents, and other real estate settlement service providers. We also may disclose your Personal Information:

- to agents, brokers or representatives to provide you with services you have requested;
- to third-party contractors or service providers who provide services or perform marketing or other functions on our behalf; and
- to others with whom we enter into joint marketing agreements for products or services that we believe you may find of interest.

In addition, we will disclose your Personal Information when you direct or give us permission, when we are required by law to do so, or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

One of the important responsibilities of some of our affiliated companies is to record documents in the public domain. Such documents may contain your Personal Information.

Right to Access Your Personal Information and Ability to Correct Errors or Request Changes or Deletion

Certain states afford you the right to access your Personal Information and, under certain circumstances, to find out to whom your Personal Information has been disclosed. Also, certain states afford you the right to request correction, amendment or deletion of your Personal Information. We reserve the right, where permitted by law, to charge a reasonable fee to cover the costs incurred in responding to such requests.

All requests must be made in writing to the following address:

Privacy Compliance Officer
Fidelity National Financial, Inc.
4050 Calle Real, Suite 220
Santa Barbara, CA 93110

Multiple Products or Services

If we provide you with more than one financial product or service, you may receive more than one privacy notice from us. We apologize for any inconvenience this may cause you.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-552

A RESOLUTION DENYING THE APPEAL OF CLAUDIA NEWCORN TO A BOARD OF ZONING ADJUSTMENT DECISION DENYING AN APPEAL TO A STAFF DECISION APPROVING A SECOND-STORY ADDITION TO A HOME LOCATED AT 1224 BRADY AVENUE

WHEREAS, Section 10-2.508(b) requires plot plan review by the Community and Economic Development Director for second-story additions to homes in existing residential areas in the R-1 Zone, and

WHEREAS, on June 19, 2002, Peter Mah submitted plot plans and elevations for a second-story addition to the home located at 1224 Brady Avenue, and

WHEREAS, on August 14, 2002, the Community and Economic Development Director issued a letter of approval of the second-story addition to the applicant and adjoining property owners, and

WHEREAS, on August 28, 2002, Claudia Newcorn-Walsh filed an appeal to the decision of the Board of Zoning Adjustment pursuant to Section 10-2.2801 of the Municipal Code, and

WHEREAS, the Board of Zoning Adjustment considered the appeal at their regularly scheduled meeting on September 26, 2002, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which meeting evidence both oral and documentary was received and considered, and

WHEREAS, by Resolution No. 2002-13 the Board of Zoning Adjustment denied the appeal and approved the second-story addition to the home located at 1224 Brady Avenue because all code requirements were met, and

WHEREAS, an appeal to the decision of the Board of Zoning Adjustment was filed with the Office of the City Clerk by Claudia Newcorn on October 9, 2002, and

WHEREAS, said appeal was set for hearing before the City Council to be held on Tuesday, November 6, 2002, at 5:30 p.m. in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which time said hearing was held, and evidence both oral and documentary was received and considered, and

WHEREAS, after said hearing the Council found and determined that said appeal to the decision of the Board of Zoning Adjustment should be denied and the decision of the Board of Zoning Adjustment should be affirmed for the following reasons:

1. The proposed second-story addition meets all City Standards contained in section 10-2.508 of the Municipal Code.
2. No neighborhood compatibility issues should arise as a result of the second-story addition.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Claudia Newcorn to the decision of the Board of Zoning Adjustment denying the appeal of Claudia Newcorn-Walsh to a staff decision approving a second-story addition to a home located at 1224 Brady Avenue is denied, and the decision of the Board of Zoning Adjustment is hereby affirmed for the reasons set forth above provided that obscure glass is installed in the bathroom and staircase windows that face the Newcorn residence.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002- 553

Print

A RESOLUTION APPROVING AN AGREEMENT FOR A $405,000 LOAN FROM THE STANISLAUS COUNTY ECONOMIC DEVELOPMENT "BANK" BY AND BETWEEN THE CITY OF MODESTO, THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO AND STANISLAUS COUNTY AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.

WHEREAS, on February 13, 2001, the Stanislaus County Board of Supervisors approved the formation of a Community Economic Development "Bank" ("Bank") for the purpose of providing resources for economic development projects throughout the County, and

WHEREAS, the purpose of the "Bank" is to use said funds within the nine cities and communities within Stanislaus County to leverage State, Federal and private dollars to finance infrastructure that makes possible greater opportunities for job retention and creation, and

WHEREAS, the Board of Supervisors appointed an Ad Hoc Group consisting of the City Manager from each city and the County Chief Executive Officer to identify the appropriate structure for the "Bank", funding criteria and the approval process, and

WHEREAS, the "Bank" issued a Request for Proposals on October 5, 2001, and City and Modesto Redevelopment Agency ("RDA") staff submitted a proposal requesting $405,000 in financing to complete the Concept Master Planning for the Kansas Avenue Business Park Project. Among other costs, the City's and RDA's application included costs for master planning, engineering, design, and preliminary development, and

WHEREAS, Modesto's request for $405,000 was approved by the "Bank" review boards and was subsequently approved by the Board of Supervisors on April 9, 2002, and

WHEREAS, the City and RDA will partner with Stanislaus County per this agreement to ensure repayment through the designated RDA revenue stream, and

WHEREAS, the City, RDA and County staffs have prepared an agreement ("Exhibit A") setting forth the conditions of receipt and repayment of the $405,000 loan which is attached hereto and made a part herein by this reference. Said conditions are as follows:

1. The City's General Fund will not be used for repayment of the loan.
2. The loan will be repaid with a combination of the following: (1) Tax increment funding from the RDA resulting from the increased property values within the Project site; (2) RDA funding generated by the proceeds of the land sale to a private developer; (3) Tax allocation bonds issued by the RDA to generate funding for the Project improvements in an amount sufficient to repay the "Bank" loan.
3. The RDA revenue streams are expected to become available by December 2007. However, the RDA shall have no obligation to begin repayment until the revenue streams become available for this purpose.
4. If the loan is not repaid in full by June 30, 2015, the parties agree to renegotiate the term and conditions of the loan repayment, and

WHEREAS, the proposed agreement was reviewed by the Community Development and Housing Committee at its meeting on April 15, 2002 and was recommended for approval to the Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement for the Stanislaus County Economic Development Bank loan in the amount of $405,000 for the development of Kansas Avenue Business Park is hereby approved.

BE IT FURTHER RESOLVED THAT the City Manager is hereby authorized and directed to execute said agreement on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant
NOES:	Councilmembers:	Mayor Sabatino
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, CITY CLERK

APPROVED AS TO FORM:

MICHAEL D. MILICH, CITY ATTORNEY

AGENDA

HOUSING REHABILITATION LOAN COMMITTEE
November 21, 2002, 12:00 Noon
Parks, Recreation & Neighborhoods Department
1010 - 10th Street – Fourth Floor
Conference Room #4104
Modesto, CA

I. SILENT ROLL CALL

II. DECLARATION OF CONFLICT OF INTEREST BY COMMITTEE MEMBERS

III. APPROVAL OF MINUTES OF NOVEMBER 7, 2002

IV. ORAL COMMUNICATIONS

These matters may be presented only by interested persons in the audience. Under State law, the Housing Rehabilitation Loan Committee may respond to matters being presented under the item only as follows:

Briefly respond to statements made or questions raised.

(a) Briefly respond to statements made or questions raised.
(b) Ask a question for clarification.
(c) Provide a reference to staff or other resources for factual information.
(d) Request staff to report back at a subsequent meeting.
(e) Finally, a Committee member or the Committee itself may take action to direct staf to place a matter of business on a future agenda.

V. NEW BUSINESS

A. Review and Approval of Down Payment Assistance Program Loan Application for Yolanda Ibarra
Contact Carol Harris: caharris@modestogov.com

B. Review and Approval of Down Payment Assistance Program Loan Application for Rosemary and Mark Daniels
Contact Carol Harris: caharris@modestogov.com

C. Status of Delinquent and Matured Loans (delinquent more than 90 days)
Contact Cheryl Davis: cheryld@modestogov.com

VI. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the Housing Rehabilitation Loan Committee and staff upon determination by a majority vote that an emergency exists, as defined by State Law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-554

Print

A RESOLUTION APPOINTING MEMBER TO THE DOWNTOWN IMPROVEMENT DISTRICT

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DENNIS E. WILSON is hereby appointed to the Downtown Improvement District, with a term expiration of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-555

Print

A RESOLUTION APPOINTING MEMBER TO THE ECONOMIC DEVELOPMENT LOAN COMMITTEE

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. PHILIP TOMLIN is hereby appointed to the Economic Development Loan Committee, with a term expiration of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-556

A RESOLUTION APPOINTING MEMBER TO THE GOLF COURSES ADVISORY COMMITTEE

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. PATRICK McHUGH is hereby appointed to the Golf Courses Advisory Committee, with a term expiration of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-557

A RESOLUTION APPOINTING DWIGHT BATEMAN TO OBSERVE THE PROCEEDINGS OF THE PANEL EVALUATING PROPOSALS FOR A CONTRACT TO OPERATE MODESTO AREA DIAL-A-RIDE (MADAR).

WHEREAS, the City is in the process of procuring a new contract for the operation of Modesto Area Dial-A-Ride (MADAR), and

WHEREAS, on October 8, 2002, the City Council authorized staff to solicit proposals for said contract, and

WHEREAS, on that date the City Council stated their desire that a community member be appointed to observe the proceedings of the committee that will evaluate proposals submitted by firms desiring to be awarded the MADAR operations contract, and

WHEREAS, Mr. Dwight Bateman, Executive Director of the Disability Resource Agency for Independent Living is well-qualified to observe said proceedings and also has an interest in selecting a high-quality firm to operate MADAR, and

WHEREAS, Mr. Bateman has consented to serve in this capacity, and

WHEREAS, by an agenda report to the City Council dated October 18, 2002, from the Engineering and Transportation Director, City staff recommended to the Council that Mr. Bateman be appointed,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Mr. Bateman is hereby appointed to observe the proceedings of the committee that will evaluate proposals submitted by firms desiring to be awarded the MADAR operations contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-558

Print

A RESOLUTION ADOPTING REVISIONS TO THE STORM DRAINAGE SECTIONS OF THE STANDARD SPECIFICATIONS OF THE CITY OF MODESTO, 2001 EDITION

WHEREAS, Section 4-4.801 of the Modesto Municipal Code provides for the adoption by the City Council of "Standard Specifications of the City of Modesto", said Standard Specifications to be prepared by the Engineering and Transportation Department and recommended by the Planning Commission, and

WHEREAS, the Engineering and Transportation Department, Development Services Division, has recommended revisions, which include additions, deletions, or revisions to the Storm Drainage Sections of the Standard Specifications, 2001 Edition, and

WHEREAS, the proposed revisions are to accomplish correcting grammatical errors, adding new text and drawings, and adding policies and procedures which have already been established by the Engineering and Transportation Department, and

WHEREAS, the proposed revisions were considered by the Construction Industry Liaison Committee and notices of an informal public hearing by the Planning Commission to consider the proposed revisions were sent to the Building Industry Association, Board of Realtors, Stanislaus County Public Works, and local developers, engineers, and utility companies, and

WHEREAS, the Planning Commission, by Resolution No. 2002-44, adopted on October 7, 2002, recommended to the City Council the adoption of revisions to the storm drainage sections of the Standard Specifications of the City of Modesto as incorporated in the document titled "Standard Specifications of the City of Modesto, 2001 Edition", copies of which are on file in the offices of the Engineering and Transportation Director and the Secretary of the Planning Commission, and

WHEREAS, said proposed revisions to the storm drainage sections of the Standard Specifications of the City of Modesto, 2001 Edition, as prepared by the Engineering and Transportation Director and recommended by the Planning Commission, were considered by the City Council at its regular meeting on November 6, 2002, at which time the Council determined that the proposed revisions to the storm drainage sections of the Standard Specifications should be adopted, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to the provisions of Section 4-4.801 of the Modesto Municipal Code, those certain revisions to the storm drainage sections of the "Standard Specifications of the City of Modesto, 2001 Edition", copies of which revisions are on file in the offices of the Engineering and Transportation Director and the Secretary of the Planning Commission, are hereby adopted as revisions to the Standard Specifications of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held 12th day of November, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-559

A RESOLUTION ACCEPTING THE PROJECT TITLED "ROOSEVELT PARK TENNIS COURTS RENOVATION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled "Roosevelt Park Tennis Courts Renovation", has been completed by Southwest Recreational Industries, Inc., in accordance with the contract agreement dated March 26, 2002.

NOW, THEREFORE, BE IT RESOLVED that the Roosevelt Park Tennis Courts Renovation project be accepted from said contractor, Southwest Recreational Industries, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $50,142.50 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-560

Print

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC., FOR THE PROJECT TITLED "VILLAGE ONE WEST BASIN ROAD IMPROVEMENTS"

WHEREAS, the bids received for Village One West Basin Road Improvements were opened at 11:00 a.m. on October 29, 2002, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $899,333 received from GEORGE REED, INC., be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $899,333 received from GEORGE REED, INC., be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

RESCINDED

1-7-03

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2003-10

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-561

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE SCOPE OF THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE 1994 SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR VILLAGE ONE: VILLAGE ONE – WEST BASIN STREET IMPROVEMENTS (CITY INITIATED)

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Program Environmental Impact Report ("EIR") (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, on May 24, 1994 the Modesto City Council certified the Final Supplemental EIR for Village One which supersedes and updates the Village One Program EIR, and

WHEREAS, the City of Modesto desires to undertake a project to improve the roadways surrounding the storm drainage West Basin located in Village One, and

WHEREAS, the staff has reviewed the proposed project to determine if said project might have a significant effect on the environment as set forth in Environmental Impact Reports EA/ET 2002-33, and

WHEREAS, pursuant to Environmental Impact Report EA/ET 2002-33, staff has determined that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the 1994 Village One Supplemental EIR, that the Program EIR adequately describes the proposed project for purposes of CEQA, and that the potential impacts of the proposed project has been adequately addressed in that EIR.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council hereby makes the following findings:

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, the Village One – West Basin Street Improvements project is within the scope of the projects covered by the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR"), that the project is adequately described in the Program EIR for purposes of CEQA, and no new environmental document or findings are required by CEQA.

2. There are no substantial changes proposed in the project which will require major revisions of the Village One Program EIR, as modified by the Supplemental EIR.
3. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Program EIR, as modified by the Supplemental EIR.
4. No new information, which was not known and could not have been known at the time the Village One Program EIR, as modified by the Supplemental EIR, was certified as complete, has become available.
5. Environmental Assessment No. EA/ET 2002-33 provides the substantial evidence to support the above findings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-562

Print

A RESOLUTION APPROVING A REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND SCENIC ROAD PROPERTIES RELATED TO THE REMBURSEMENT FOR RIGHT-OF-WAY AND IMPROVEMENTS FOR THE INTERSECTION OF SCENIC DRIVE AND COFFEE ROAD

WHEREAS, SCENIC ROAD PROPERTIES, a California Limited Partnership, owns a certain tract of land consisting of approximately 11.66 acres within Stanislaus County, commonly known as Scenic Road Properties, and

WHEREAS, SCENIC ROAD PROPERTIES is developing the property, and as a condition of approval of said development, is required to improve forty (40) feet of right-of-way to the north of the property at the intersection with Coffee Road, and

WHEREAS, pursuant to CITY's CFF Reimbursement Policy, SCENIC ROAD PROPERTIES has requested, and CITY has agreed, that SCENIC ROAD PROPERTIES be reimbursed for the right-of-way and improvements for this portion of Scenic Drive in the not-to-exceed amount of $262,200.45, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the CITY OF MODESTO and SCENIC ROAD PROPERTIES related to the reimbursement for right-of-way and improvements for Scenic Drive at the intersection with Coffee Road in the not-to-exceed amount of $262,200.45 is hereby approved.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: _____
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-563

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MITIGATED NEGATIVE DECLARATION (SCH No. 2002022107): SCENIC/COFFEE INTERSECTION IMPROVEMENTS

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Mitigated Negative Declaration (SCH No. 2002022107) on the SCENIC ROAD PROPERTIES Vesting Tentative Parcel Map was prepared under the Master EIR and provides measures to mitigate environmental effects resulting from the Vesting Tentative Parcel Map, which this project is part of, and

WHEREAS, the Engineering and Transportation Department, by Initial Study, EA/ET 2002-35, reviewed the proposed Scenic/Coffee Intersection Improvements and made the determination that the proposed project is within the scope of the project covered by the Mitigated Negative Declaration, that the environmental effects of the proposed project were adequately examined by the previous Mitigated Negative Declaration prepared for the SCENIC ROAD PROPERTIES Vesting Tentative Parcel Map, and therefore no new or additional environmental documents are required, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed Scenic/Coffee Intersection Improvements, a copy of which is attached hereto as **Exhibit "A"**, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

A. No substantial changes are proposed in the project which will require major revisions of the previous Mitigated Negative Declaration due to the involvement if new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

B. No substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental

effects or a substantial increase in the severity of previously identified significant effects.

C. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration was certified as complete was adopted.

D. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per section 21157.1) for the Scenic/Coffee Intersection Improvement project.

E. This Initial Study provides substantial evidence to support findings "A, B, C and D" above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Department Director is hereby authorized and directed to file a notice of determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

INITIAL STUDY

EA/ET 2002-35

City of Modesto

Initial Study

Scenic/Coffee Intersection Improvements

EA NO. ET 2002-35

I. PURPOSE:

A Mitigated Negative Declaration (SCH #2002022107) was prepared for the Vesting Tentative Parcel Map for Scenic Road Properties pursuant to CEQA Section 21157.1 and 21157.5. The Scenic/Coffee Intersection Improvements were included in the project anticipated in the Mitigated Negative Declaration.

This Initial Study, in accordance with Section 15063(C) of the CEQA Guidelines analyzes whether an earlier Mitigated Negative Declaration described above adequately examined this project's effects. This Initial Study is tiered off of that Mitigated Negative Declaration (this document is on file in the Community and Economic Development Department's Planning Division of the City of Modesto).

II. PROJECT DESCRIPTION:

A. Project Title:
Scenic/Coffee Intersection Improvements

B. Lead Agency Name and Address:
City of Modesto, P.O. Box 642 Modesto, CA 95353

C. Contact Person, address and phone number:
Robert Granberg, Senior Civil Engineer, P.O. Box 642 Modesto, CA 95353, (209) 577-5259

D. Project Location:
Intersection of Scenic Avenue and Coffee Road, Modesto
See attached site map, Exhibit A

E. Project Sponsor, address and phone number:
City of Modesto, P.O. Box 624, Modesto, CA 95353

F. Modesto General Plan Designation:
Modesto General Plan

G. Zoning: C-2, Stanislaus County

H. Description of Proposed Project:

The project is the widening of the south side of Scenic Drive at Coffee Road. Included in the work are power pole relocations, traffic signal relocation, relocation of two existing storm drain catch basins, new curb, gutter and sidewalk, asphalt paving, concrete median barrier and traffic striping. These improvements were contemplated in the Vesting Tentative Parcel Map for Scenic Road Properties (see attached map).

I. Surrounding Land Uses:

North: Commercial C-1
South: Dry Creek and residential
East: Commercial C-3
West: Commercial C-1

J. Other Public agencies whose approval is required:

N/A

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR:

There are eighteen subject areas in the Master EIR for the General Plan (MEIR). Following is an analysis of how this project conforms to the analysis contained within the Master EIR. Compared to the Master EIR certified for the Modesto Urban Area General Plan the proposal will not result in increased impacts to any of the following subject areas:

A. Traffic and Circulation

Widening this intersection will accommodate the traffic generated by the proposed use and improve the traffic circulation patterns at this intersection. Thus, the proposed intersection improvement would result in no significant increase in demand for circulation facilities that are not anticipated by the traffic model that analyzed the General Plan. Therefore, the proposed intersection improvements are consistent with the Traffic and Circulation needs section of the General Plan MEIR. Information describing how the project is consistent with the General Plan Master EIR is found on page 5 of the Mitigated Negative Declaration.

B. Degradation of Air Quality

Widening this intersection would result in no revisions to the adopted General Plan land use designations, infrastructure, or transportation and circulation system. Thus, the proposed intersection improvement would not result in a significant increase in generation of traffic that is not anticipated by the traffic model that analyzed the adopted General Plan. Therefore, the proposed initiative will not cause additional traffic-related impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. Information describing how the project is consistent with the General Plan Master EIR is found on page 6 of the Mitigated Negative Declaration.

C. **Generation of Noise**
Widening this intersection would result in no changes to the land use designations, infrastructure, or traffic and circulation system contained in the General Plan. Because there would not be a significant increase in traffic generated, and roadway level of service would be consistent with the General Plan, the proposed Initiative will not cause an increase in the projected generation of traffic-related noise in the MEIR. Information describing how the project is consistent with the General Plan Master EIR is found on page 7 of the Mitigated Negative Declaration.

D. **Loss of Productive Agricultural Land**
Widening this intersection does not effect conversion of productive agricultural lands within the adopted General Plan area. Therefore, the proposal is not an increased impact to loss of productive agricultural land as analyzed by the MEIR. Information describing how the project is consistent with the General Plan Master EIR is found on page 8 of the Mitigated Negative Declaration.

E. **Increased Demand for Water Supplies**
Widening this intersection would not result in any change to the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Thus the Initiative would not require additional water supplies beyond that identified for the General Plan in the Increased Demand for Water Supplies section of the MEIR. Information describing how the project is consistent with the General Plan Master EIR is found on page 9 of the Mitigated Negative Declaration.

F. **Increased Demand for Sanitary Sewer Services**
Widening this intersection does not propose to change the gross acreage, land use, infrastructure or circulation system of the General Plan. Thus, it will not create a significant increase in demand for sewer capacity not identified in the MEIR. Information describing how the project is consistent with the General Plan Master EIR is found on page 10 of the Mitigated Negative Declaration.

G. **Loss of Sensitive Wildlife and Plant Habitat**
Widening this intersection does not propose to change the gross acreage, land use, infrastructure or circulation system of the General Plan. Thus, the project would have no impact to sensitive wildlife or any plant habitat beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. Information describing how the project is consistent with the General Plan Master EIR is found on page 11 of the Mitigated Negative Declaration.

H. **Disturbance of Archaeological and Historic Sites**
Widening this intersection does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. The proposed water well site No. 312 would not be located within an General Plan archaeological resource study area. Therefore, the

proposal would have no significant effect on the potential archaeological resource study area shown in the General Plan MEIR, Figure 8-1. Information describing how the project is consistent with the General Plan Master EIR is found on page 15 of the Mitigated Negative Declaration.

I. Drainage, Flooding and Water Quality

Widening this intersection would not result in a change to the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Therefore, the project will not create any new significant drainage, flooding or water quality impacts that were not addressed in the MEIR. Information describing how the project is consistent with the General Plan Master EIR is found on page 16 of the Mitigated Negative Declaration.

J. Increased Demand for Storm Drainage

Widening this intersection would not result in a change to the gross acreage, land use, infrastructure or circulation system of the General Plan and would therefore cause no significant increase in demand for storm drainage that was not already addressed in the MEIR. Information describing how the project is consistent with the General Plan Master EIR is found on page 18 of the Mitigated Negative Declaration.

K. Increased Demand for Parks and Open Space

Widening this intersection would not change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Therefore, this intersection improvement would not generate any new population that would increase demand for use of parks or open space facilities. Information describing how the project is consistent with the General Plan Master EIR is found on page 19 of the Mitigated Negative Declaration.

L. Increased Demand for Schools

Widening this intersection does not propose to change the gross acreage, land use, infrastructure or circulation system of the General Plan. Information describing how the project is consistent with the General Plan Master EIR is found on page 20 of the Mitigated Negative Declaration.

M. Increased Demand for Police Services

Widening this intersection does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Thus, it would not result in a significant increase in service demand for the City of Modesto Police Department. Information describing how the project is consistent with the General Plan Master EIR is found on page 21 of the Mitigated Negative Declaration.

N. Increased Demand for Fire Services

Widening this intersection does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General

Plan. Information describing how the project is consistent with the General Plan Master EIR is found on page 22 of the Mitigated Negative Declaration.

O. **Generation of Solid Waste**
Widening this intersection does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Information describing how the project is consistent with the General Plan Master EIR is found on page 22 of the Mitigated Negative Declaration.

P. **Generation of Hazardous Materials**
Widening this intersection would not result in any change to the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Because this intersection improvement will not result in additional industrial development or health hazards not already identified in the adopted General Plan, there will be no additional hazardous material generated beyond those identified in the MEIR. Information describing how the project is consistent with the General Plan Master EIR is found on page 23 of the Mitigated Negative Declaration.

Q. **Landslides and Seismic Activity**
Widening this intersection does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. The MEIR analysis shows that because the land is essentially flat, Uniform Building Code requirements have been addressed, and the nearest earthquake fault line is over 15 miles west of the Modesto Urban Area, there will be no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction. Information describing how the project is consistent with the General Plan Master EIR is found on page 25 of the Mitigated Negative Declaration.

R. **Energy**
Widening this intersection does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Thus, the proposed water well site is consistent with the analysis in the General Plan MEIR. Utility companies serving the Modesto Urban Area indicated, during MEIR preparation, that development of the urban area would result in a less than significant impact on demands for energy. Information describing how the project is consistent with the General Plan Master EIR is found on page 26 of the Mitigated Negative Declaration.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. No substantial changes are proposed in the project which will require major revisions of the previous Mitigated Negative Declaration due to the involvement if new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

B. No substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

C. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration was certified as complete was adopted.

D. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per Section 21157.1) for the Scenic/Coffee Intersection Improvement project.

E. This Initial Study provides substantial evidence to support findings "A, B, C and D" above.

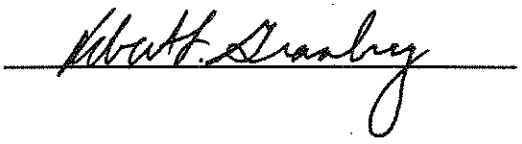
Signature: 

EXHIBIT A

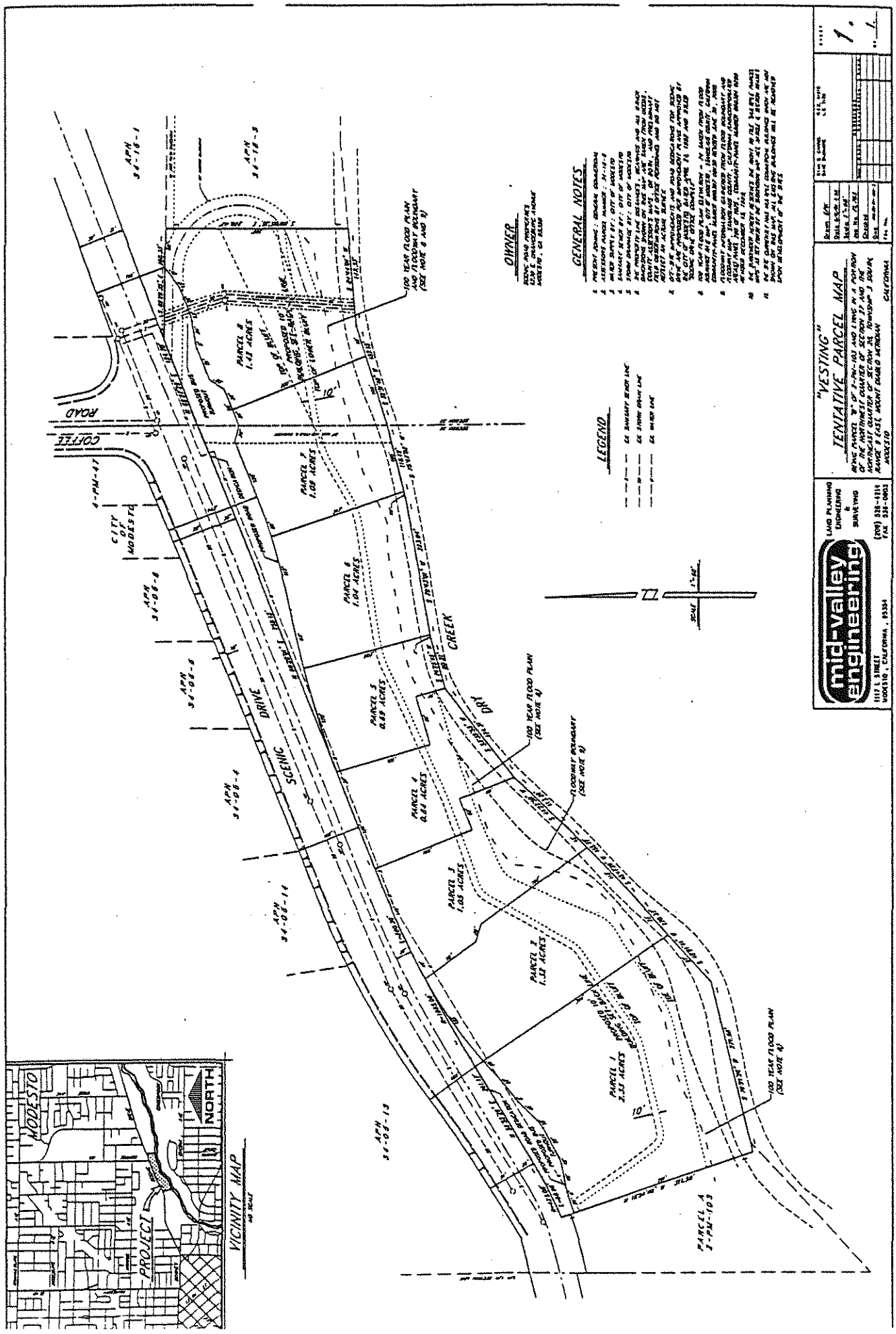

"VESTING"
TENTATIVE PARCEL MAP
mid-valley engineering
LAND PLANNING ENGINEERING & SURVEYING
GENERAL NOTES
LEGEND
OWNER
VICINITY MAP
NORTH
PROJECT
MODESTO
SCENIC DRIVE
COFFEE ROAD
CREEK
PARCEL 1
PARCEL 2
PARCEL 3
PARCEL 4
PARCEL 5
PARCEL 6
PARCEL 7
PARCEL 8
PARCEL A
3-PM-103

EXHIBIT B

mid-valley engineering
LAND PLANNING · ENGINEERING · SURVEYING

10/10/02
71-824

OPINION OF PROBABLE COST
FOR
C.F.F. REIMBURSABLE ITEMS
SCENIC & COFFEE INTERSECTION IMPROVEMENTS
MODESTO, CALIFORNIA

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	SITE PREPARATION				
1.	RELOCATE EXISTING SIGNALS	1	LS	$103,000.00	$103,000.00
2.	RELOCATE EXISTING POWER POLE	2	EA	$5,000.00	$10,000.00
			SUB-TOTAL		$113,000.00
B.	WATER SYSTEM				
1.	RELOCATE EXISTING FIRE HYDRANT	2	EA	$500.00	$1,000.00
			SUB-TOTAL		$1,000.00
C.	STORM DRAINAGE				
1.	REMOVE EXISTING CATCH BASIN	2	EA	$800.00	$1,600.00
2.	CATCH BASIN	2	EA	$1,300.00	$2,600.00
3.	12" STORM DRAIN	64	LF	$140.00	$8,960.00
4.	12" STORM DRAIN TIE-IN TO EX. PIPE	2	EA	$400.00	$800.00
			SUB-TOTAL		$13,960.00
D.	STREET WORK				
1.	REMOVE EXISTING CURB AND GUTTER	105	LF	$8.00	$840.00
2.	6" VERTICAL CURB AND GUTTER	510	LF	$10.00	$5,100.00
3.	6" VERTICAL MEDIAN CURB	535	LF	$40.00	$21,400.00
4.	4" CONCRETE CAP WITH STAMPED, COLORED CONCRETE	712	SF	$18.00	$12,816.00
5.	4" CONCRETE SIDEWALK ONLY	2,604	SF	$2.50	$6,510.00
6.	WHEELCHAIR RAMP (LABOR ONLY)	2	EA	$300.00	$600.00
7.	2" x 4" HEADERBOARD	63	LF	$7.00	$441.00
8.	STANDARD BARRICADE	22	LF	$40.00	$880.00
9.	REMOVE EXISTING PAVEMENT	2,920	SF	$0.50	$1,460.00
10.	6" A.C. & 10.5" A.B.	13,644	SF	$3.60	$49,118.40
			SUB-TOTAL		$99,165.40

1117 "I" STREET MODESTO, CA 95354 - 209.526.4314 - FAX 209.526.0803

Opinion of Probable Cost
SCENIC & COFFEE INTERSECTION IMPROVEMENTS
71-824
Date 10/10/02

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
E.	STRIPING				
1.	STRIPING MODIFICATION	1	LS	$5,000.00	$5,000.00
			SUB-TOTAL		$5,000.00
F.	MISCELLANEOUS				
1.	RIGHT - OF - WAY ACQUISITION	0.02	AC	$100,000.00	$2,000.00
			SUB-TOTAL		$2,000.00
			IMPROVEMENT TOTAL =====>		$234,125.40
G.	ENGINEERING FEES (12% OF IMP. TOTAL)				
1.	2% SURVEYING	2%	LS	$234,125.40	$4,682.51
2.	4% ENGINEERING	4%	LS	$234,125.40	$9,365.02
3.	3% CONSTRUCTION STAKING	3%	LS	$234,125.40	$7,02[illegible]
4.	2% CONSTRUCTION MANAGEMENT	2%	LS	$234,125.40	$4,68[illegible]
5.	1% ADMINISTRATION	1%	LS	$234,125.40	$2,34[illegible]
			ENGINEERING FEES TOTAL =====>		$28,095.05
			GRAND TOTAL =====>		~~$262,220.45~~ $260,220.4

NOTES

1. THE QUANTITIES IS BASED ON AN APPROVED SET OF IMPROVEMENT PLANS ENTITLED SCENIC DRIVE OFFICE COMPLEX.

2. THE QUANTITIES START FROM THE WEST SIDE OF THE PROPOSED MEDIAN TO THE EAST PROPERTY LINE WHICH ENDED IMPROVEMENTS.

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-564

Print

A RESOLUTION APPROVING A CONTRACT WITH THE MODESTO BEE (MCCLATCHY NEWSPAPER GROUP) AT A 500-COLUMN-INCH "NO-COMMITMENT" ADVERTISING RATE IN CONJUNCTION WITH A BUSINESS PACKAGE ADVERTISING PLAN AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT

WHEREAS, the City of Modesto is currently using the Modesto Bee (McClatchy Newspaper Group) as its primary advertising source for its advertising requirements, and

WHEREAS, the advertising services required are for retail, job announcements, classified, and legal advertisements as required by City Charter, Modesto Municipal Code (MMC), and Public Contract Code (PCC), and

WHEREAS, the City is currently afforded a non-profit discount structure on its retail advertising requirements, and

WHEREAS, Council has requested that staff consolidate the procurement of advertising through a central source in order to secure the best contractual pricing available based on City- wide volume, and

WHEREAS, staff from the City Manager's office and the Purchasing Division have met with representatives of the Modesto Bee to negotiate an advertising contract that will meet the City's advertising requirements and offer the best contractual pricing based on City-wide volumes, and

WHEREAS, once signed, the advertising contract will be implemented through the City Manager's office, and

WHEREAS, the Purchasing Supervisor has determined that a process other than a formal bid procedure will result in procurement of advertising for the City at the lowest cost commensurate with the desired quality, as provided for in Modesto Municipal Code section 8-3.203(d), and

WHEREAS, at its meeting on October 28,2002, the Finance Committee supported and recommended approval of this item,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a contract with the Modesto Bee (McClatchy Newspaper Group), at a 500-column inch "no-commitment" advertising rate in conjunction with a business package-advertising plan.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12 day of November, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By: _____
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 565

A RESOLUTION ACCEPTING A GRANT FROM THE FEDERAL OFFICE OF COMMUNITY ORIENTED POLICING SERVICES ENTITLED COPS UNIVERSAL HIRING PROGRAM FOR THE HIRE OF SIX NEW MODESTO POLICE OFFICERS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY GRANT DOCUMENTS

WHEREAS, the Modesto Police Department made application to the Federal Office of Community Oriented Policing Services under the COPS Universal Hiring Program for the hire of six new police officers, and

WHEREAS, the grant was approved by the Federal Office of Community Oriented Policing Services, and

WHEREAS, approval of this program will assist in attaining the Health and Safety Plan Strategic Action to "Obtain Public Service Grants," and

WHEREAS, this grant program was discussed and unanimously supported by the Safety and Communities Committee at its meeting on October 7, 2002, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts and approves the COPS Universal Hiring Program for the hire of six new Modesto Police Officers with the Federal Office of Community Oriented Policing Services.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2002, by Councilmember

Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 -566

A RESOLUTION ACCEPTING A GRANT FROM THEFEDERAL OFFICE OF COMMUNITY ORIENTED POLICING SERVICES ENTITLED COPS IN SCHOOLS FOR THE HIRE OF TWO NEW MODESTO POLICE OFFICERS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY GRANT DOCUMENTS

WHEREAS, the Modesto Police Department made application to the Federal Office of Community Oriented Policing Services under the COPS in Schools Program for the hire of two new police officers, one officer for schools in each of Sylvan Union School District and Modesto City School District, and

WHEREAS, the grant was approved by the Federal Office of Community Oriented Policing Services, and

WHEREAS, approval of this program will assist in attaining the Health and Safety Plan Strategic Action to "Obtain Public Service Grants," and

WHEREAS, this grant program was discussed and unanimously supported by the Safety and Communities Committee at its meeting on October 7, 2002, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts and approves the COPS in Schools Program for the hire of two new Modesto Police Officers with the Federal Office of Community Oriented Policing Services.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 -567

A RESOLUTION ACCEPTING A GRANT FROM THE FEDERAL OFFICE OF COMMUNITY ORIENTED POLICING SERVICES ENTITLED COPS MORE 02 FOR THE ACQUISITION OF MOBILE DATA TERMINALS AND A LIVESCAN FINGERPRINTING SYSTEM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY GRANT DOCUMENTS

WHEREAS, the Modesto Police Department made application to the Federal Office of Community Oriented Policing Services under the COPS MORE 02 Program for the acquisition of mobile data terminals and a LiveScan Fingerprinting System, and

WHEREAS, the grant was approved by the Federal Office of Community Oriented Policing Services, and

WHEREAS, approval of this program will assist in attaining the Health and Safety Plan Strategic Action to "Obtain Public Service Grants," and

WHEREAS, this grant program was discussed and unanimously supported by the Safety and Communities Committee at its meeting on October 7, 2002, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts and approves the COPS MORE02 Program for the acquisition of mobile data terminals and a LiveScan Fingerprinting System.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION 2002-568

Print

A RESOLUTION CALLING FOR A MEASURE TO BE HELD PLACED ON THE NOVEMBER 2003 ELECTION FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF MODESTO, BY MOTION OF THE COUNCIL, AN AMENDMENT TO THE MODESTO CITY CHARTER CHANGING THE DATES OF THE CITY'S RUNOFF ELECTION.

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Pursuant to Article 11, Section 3 of the California Constitution, Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at a regular municipal election to be held on November 4, 2003, a proposal to amend Sections 300 and 700 of the Modesto City Charter as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. That a measure is to appear on the ballot as follows:

Shall the Modesto City Charter be amended to change the runoff election date from December of odd-numbered years to March of even-numbered years, commencing with the year 2004?	YES	
	NO	

SECTON 3. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election department of the County of Stanislaus.

SECTION 4. That, if approved, the proposed charter amendments would take effect on the date set forth in Section 34459 of the California Government Code.

SECTION 5. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmember: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Mike Milich
MICHAEL D. MILICH, City Attorney

SECTION 300. REGULAR MUNICIPAL ELECTIONS.

Regular Municipal Elections for the election of officers and for such other purposes as the Council may prescribe shall be held biennially on the first Tuesday after the first Monday in March of each odd-numbered year until the year 1983 . Thereafter they shall be held biennially. on the first Tuesday after the first Monday in November of each odd-numbered year commencing with the year 1985

If, at a regular municipal election held on the first Tuesday after the first Monday in November of each odd-numbered year, no candidate for one of the elective offices of the City of Modesto receives a majority of the votes cast at said regular municipal election, a second regular municipal election shall be held for said office on the ~~second~~ first Tuesday in ~~December~~ March of each ~~odd~~ even-numbered year commencing with the year ~~1987~~ 2004. At said second regular municipal election, the two (2) candidates receiving the highest number of votes at the first regular municipal election shall have their names placed on the ballot for election to said office. The terms of those Councilmembers, including the Mayor, elected in 1999 are hereby extended until their successors are elected and qualified in 2004.

SECTION 700. COUNCILMEMBERS. TERM OF OFFICE.

Except as otherwise provided in this Charter, the members of the Council shall hold office for a term of four (4) years from and after the first regular Council meeting following the adoption by the Council of the official canvass of their election at which time they shall be installed. Thereafter they shall hold office until their successors are elected and qualified. ~~Tuesday following their election. The members of the Council in office at the time this Charter takes effect shall continue in office until the expiration of their terms or until their successors are elected and qualified.~~

Three (3) Councilmembers shall be elected at the regular municipal election in 1963 and at each regular municipal election thereafter.

A Mayor shall be elected at the regular municipal election in 1963 and at each alternate regular municipal election thereafter.

If a tie vote makes it impossible to determine which of two (2) or more candidates has been elected, said tie shall be settled by the drawing of lots, the procedure for which shall be determined by the Council. Each member of the Council shall have the right to vote on all matters coming before the Council.

Each elective office shall be deemed a separate office to be filled at any election. The City Clerk shall designate each such elective office by an appropriate descriptive designation. No candidate shall file for more than one (1) elective office; and no incumbent member of the Council shall run for a seat other than that which the member holds, except that any incumbent member of the Council may run for the seat of Mayor, and an incumbent Mayor may run for the seat of Mayor or for any other seat on the Council. Such designation shall be used on all nomination papers, certificates of election and all election papers referring to the office. After election, the designation shall have no further significance except for the purpose of designating incumbency.

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-569

Print

A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE MEASURE TO AMEND SECTION 300 AND SECTION 700 OF THE MODESTO CITY CHARTER CHANGING THE CITY'S RUN OFF ELECTION DATE TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE.

WHEREAS, the Modesto City Council has called for a measure to be placed on the November 4, 2003 Election, for the purpose of submitting to the electors of the City of Modesto a proposal, by motion of the Council, an amendment to the Modesto City Charter to change the City's Runoff Election, commencing in 2004, from the second Tuesday in December to the first Tuesday in March of even-numbered years, with each member of the Council being duly elected taking their respective office immediately following certification of the election.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk of the City of Modesto is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2002 by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmember: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael Milich
MICHAEL D. MILICH, City Attorney

SECTION 300. REGULAR MUNICIPAL ELECTIONS.

Regular Municipal Elections for the election of officers and for such other purposes as the Council may prescribe shall be held biennially on the first Tuesday after the first Monday in March of each odd-numbered year until the year 1983 . Thereafter they shall be held biennially. on the first Tuesday after the first Monday in November of each odd-numbered year commencing with the year 1985

If, at a regular municipal election held on the first Tuesday after the first Monday in November of each odd-numbered year, no candidate for one of the elective offices of the City of Modesto receives a majority of the votes cast at said regular municipal election, a second regular municipal election shall be held for said office on the ~~second~~ first Tuesday in ~~December~~ March of each ~~odd~~ even-numbered year commencing with the year ~~1987~~ 2004. At said second regular municipal election, the two (2) candidates receiving the highest number of votes at the first regular municipal election shall have their names placed on the ballot for election to said office. The terms of those Councilmembers, including the Mayor, elected in 1999 are hereby extended until their successors are elected and qualified in 2004.

SECTION 700. COUNCILMEMBERS. TERM OF OFFICE.

Except as otherwise provided in this Charter, the members of the Council shall hold office for a term of four (4) years from and after the first regular Council meeting following the adoption by the Council of the official canvass of their election at which time they shall be installed. Thereafter they shall hold office until their successors are elected and qualified. ~~Tuesday following their election. The members of the Council in office at the time this Charter takes effect shall continue in office until the expiration of their terms or until their successors are elected and qualified.~~

Three (3) Councilmembers shall be elected at the regular municipal election in 1963 and at each regular municipal election thereafter.

A Mayor shall be elected at the regular municipal election in 1963 and at each alternate regular municipal election thereafter.

If a tie vote makes it impossible to determine which of two (2) or more candidates has been elected, said tie shall be settled by the drawing of lots, the procedure for which shall be determined by the Council. Each member of the Council shall have the right to vote on all matters coming before the Council.

Each elective office shall be deemed a separate office to be filled at any election. The City Clerk shall designate each such elective office by an appropriate descriptive designation. No candidate shall file for more than one (1) elective office; and no incumbent member of the Council shall run for a seat other than that which the member holds, except that any incumbent member of the Council may run for the seat of Mayor, and an incumbent Mayor may run for the seat of Mayor or for any other seat on the Council. Such designation shall be used on all nomination papers, certificates of election and all election papers referring to the office. After election, the designation shall have no further significance except for the purpose of designating incumbency.

SECTION 1500. BOARD OF EDUCATION.

The control, management and administration of the public schools of the City of Modesto, and the territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, are hereby vested in a Board of Education. In all matters not specifically provided for in this article, the Board shall be governed by the provisions of the general law relating to such matters and shall be vested with all the powers and charged with all the duties provided by the laws of the State for city boards of education. The Board of Education shall be the governing body of the Modesto City School District of Stanislaus County and the Modesto High School District of Stanislaus County.

The Board of Education shall consist of seven (7) members who may receive compensation pursuant to the applicable provisions of the Education Code of the State of California. The election for members of the Board of Education shall be held biennially on the first Tuesday after the first Monday in November of each odd-numbered year commencing with the year 2003. Said election date shall be known as the second Regular Municipal Election. The members of the Board of Education shall be elected at large from the territory within the boundaries of the school district or districts which are under the jurisdiction of the Board. The members of the Board of Education shall hold office for a period of four (4) years from and after the first Tuesday following the second Regular Municipal Election at which they are elected and continuing until their successors are elected and have qualified. No person shall be eligible to be nominated for or to hold office as a member of the Board of Education unless the person is and shall have been for at least thirty (30) days preceding the person's nomination or appointment a resident and registered elector of the school district or districts which are under the jurisdiction of the Board of Education.

When a vacancy, as defined in Government Code [section] 1770, occurs on the Board of Education, the Board of Education shall, within thirty (30) days, either make a provisional appointment to fill the vacancy or call for an election. Failure to take any action within thirty (30) days shall be treated as a call for an election. If a provisional appointment is made, registered voters of the district shall have thirty (30) days to present a petition to the Board of Education calling for a special election to fill the vacancy. The petition must contain the City Clerk's estimate of the cost of the special election and must be signed by at least one and one-half (1½) percent of the registered voters, at the last municipal election, of the territory within the boundaries of the school district or districts which are under the jurisdiction of the Board at the last

municipal election. If the City Clerk determines that the petition is legally sufficient, the provisional appointee shall step down and an election shall be called to fill the vacancy. The provisional appointment shall confer no powers and duties for the first thirty (30) days. If no petition is filed within thirty (30) days, the provisional appointee shall have all the powers and duties of a Board of Education member and shall hold office until the next regularly scheduled municipal election. If an election is held, it shall be to fill the vacancy for the remainder of the unexpired term. The members of the Board of Education shall be subject to recall as provided in this Charter.

All territory included within the limits of any school district or districts which are under the jurisdiction of the Board of Education, but not within the City limits, shall be deemed a part of the City for the purpose of holding municipal elections and shall constitute one (1) or more separate election precincts; and the qualified electors therein shall vote only for members of the Board of Education and on questions submitted to a vote of the people at special or regular elections pertaining to schools.

The members of the Board of Education in office at the time this amendment to the Charter takes effect shall continue in office until the expiration of their terms. Their successors shall be elected at the regular municipal election to be held during the year of each said respective term expires.

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-570

Print

A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE MEASURE TO AMEND SECTION 300 AND SECTION 700 OF THE MODESTO CITY CHARTER CHANGING THE CITY'S RUN OFF ELECTION DATE.

WHEREAS, the Modesto City Council has called for a measure to be placed on the November 4, 2003 Election, for the purpose of submitting to the electors of the City of Modesto a proposal, by motion of the Council, an amendment to the Modesto City Charter to change the City's Runoff Election, commencing in 2004, from the second Tuesday in December to the first Tuesday in March of even-numbered years, with each member of the Council being duly elected taking their respective office immediately following certification of the election.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to the California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no arguments may be filed with the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2002 by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmember: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-571

Print

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH MODESTO CITY SCHOOLS FOR THE CITY OF MODESTO'S CONTRIBUTION OF $60,500.00 IN FUNDING TO HIRE RECREATIONAL LEADERS TO HELP STAFF THE AFTER SCHOOL LEARNING AND SAFE NEIGHBORHOODS PARTNERSHIP PROGRAMS, AND TO DONATE RECREATION SUPERVISION SERVICES VALUED AT $4,000.00, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF UNDERSTANDING.

WHEREAS, the City of Modesto (CITY) and the Modesto City Schools District (MCS) have a long history of partnerships, and

WHEREAS, CITY and MCS have collaborated in securing a grant from the Department of Education in the amount of $370,600.00 per year for three years, beginning in fiscal year 2002/03, and

WHEREAS, the purpose of the Grant is to provide the After School Learning and Safe Neighborhoods Partnership program at four school sites: Franklin Elementary, Robertson Road Elementary, Mark Twain Junior High School, and Hanshaw Junior High School, and

WHEREAS, the Human Services Committee met on October 3, 2001, and supported the recommendation to participate in collaboration with Modesto City Schools on such after school programs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a Memorandum of Understanding with Modesto City Schools for the City of Modesto's contribution of $60,500.00 in funding to hire recreational leaders to help staff the After School Learning And Safe Neighborhoods Partnership Programs, and to donate recreation supervision services valued at $4,000.00.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute the Memorandum Of Understanding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-572

Print

A RESOLUTION APPROVING AN AGREEMENT WITH STANCO TO PROVIDE $73,080 IN HOME FUNDS FOR THE ACQUISITION AND REHABILITATION OF AN EXISTING SINGLE FAMILY DWELLING AT 512 VINE STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE HOME AGREEMENT AND NECESSARY LOAN DOCUMENTS.

WHEREAS, on July 24, 2001, by Resolution No. 2001-396, the City Council allocated fiscal year 2001-2002 HOME funds for affordable housing projects, and

WHEREAS, $73,080 of these funds were allocated to STANCO for the acquisition and rehabilitation of a single family dwelling at 512 Vine Street to be used as housing for very-low and low-income mentally disabled homeless individuals, and

WHEREAS, $67,580 will be provided to STANCO as a loan for acquisition and rehabilitation with a 3% interest rate, a 5 year deferral and a 30-year amortization period, and

WHEREAS, $5,500 will be provided to STANCO as a grant to be used for development fees and appraisal costs, and

WHEREAS, the Citizens Housing and Community Development Committee met on June 22, 2002, and supported the recommendation to provide $73,080 in HOME funds to STANCO for acquisition and rehabilitation of a single family dwelling at 512 Vine Street to be used as housing for very-low and low-income mentally disabled homeless individuals,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an agreement with STANCO to provide $73,080 in HOME funds to STANCO for acquisition and rehabilitation of a single family dwelling

at 512 Vine Street to be used as housing for very-low and low-income mentally disabled homeless individuals.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the HOME agreement and necessary loan documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-573

A RESOLUTION AMENDING A MONEY PURCHASE RETIREMENT PLAN, ACCOUNT NO. 107645, ADMINISTERED BY THE INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION FOR CITY MANAGER, JACK R. CRIST, TO INCLUDE ALL CHARTER OFFICERS, AND AUTHORIZING CITY OF MODESTO RISK MANAGER TO BE COORDINATOR FOR THE PLAN

WHEREAS, the City of Modesto has Charter Officers rendering valuable services, and

WHEREAS, Resolution No. 2000-274 authorized the establishment of a Money Purchase Retirement Plan for the City Manager to benefit the employee by providing funds for retirement and funds for the beneficiaries in the event of death, and

WHEREAS, the City of Modesto desires to include all Charter Officers in the same plan, and

WHEREAS, the City of Modesto desires that its Money Purchase Retirement Plan be administered by the ICMA Retirement Corporation and that the funds held under such plan be invested in the ICMA Retirement Trust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans.

NOW THEREFORE BE IT RESOLVED that the City of Modesto hereby establishes or has established a Money Purchase Retirement Plan in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust, pursuant to the specific provisions of the Adoption Agreement (executed copy attached hereto). The Plan shall be maintained for the exclusive benefit of eligible employees and their beneficiaries.

BE IT FURTHER RESOLVED that the City of Modesto hereby executes the Declaration of Trust of the ICMA Retirement Trust, attached hereto, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by the City of Modesto, if the assets of the plan are to be invested in the ICMA Retirement Trust.

BE IT FURTHER RESOLVED that the City of Modesto hereby agrees to serve as trustee under the Plan and to invest funds held under the Plan in the ICMA Retirement Trust.

BE IT FURTHER RESOLVED that the Risk Manager shall be the coordinator for the Plan; shall receive reports, notices, etc., from the ICMA Retirement Corporation or the ICMA Retirement Trust; shall cast, on behalf of the City of Modesto, any required votes under the ICMA Retirement Trust; may delegate any administrative duties relating to the Plan to appropriate departments; and is authorized to execute all necessary agreements with the ICMA Retirement Corporation incidental to the administration of the Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Mike Milich
MICHAEL D. MILICH, City Attorney

ICMA RETIREMENT CORPORATION
GOVERNMENTAL MONEY PURCHASE PLAN & TRUST
ADOPTION AGREEMENT

Account Number 10- 7645

The Employer hereby establishes a Money Purchase Plan and Trust to be known as (the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust. The Plan shall be known as:

The City of Modesto Charter Officers Money Purchase Plan & Trust *[906]*

This Plan is an amendment and restatement of an existing defined contribution money purchase plan.

☒ Yes ☐ No

If yes, please specify the name of the defined contribution money purchase plan which this Plan hereby amends and restates: The City of Modesto Executive Management Money Purchase Plan & Trust

I. Employer Name: CITY OF MODESTO *[902]*

II. The Effective Date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified: January 1, 2003.

III. Plan Year will mean:

☐ The twelve (12) consecutive month period which coincides with the limitation year. (See Section 5.04(i) of the Plan.) *[803]*

☒ The twelve (12) consecutive month period commencing on July 1st and each anniversary thereafter. *[803]*

IV. Normal Retirement Age (not to exceed age 65) shall be age 50. *[288]*

V. ELIGIBILITY REQUIREMENTS:

1. The following group(s) of Employees are eligible to participate in the Plan:

____	All Employees
____	All Full-Time Employees
____	Salaried Employees
____	Non-union Employees
____	Management Employees
____	Public Safety Employees
____	General Employees
X	Other (specify below):
	All Charter Officers

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other material in effect in the state or locality of the Employer.

2. The Employer hereby waives or reduces the requirement of a twelve (12) month Period of Service for participation. The required Period of Service shall be N/A (write N/A if an Employee is eligible to participate upon employment). [344]

If this waiver or reduction is elected, it shall apply to all Employees within the Covered Employment Classification.

3. A minimum age requirement is hereby specified for eligibility to participate. The minimum age requirement is N/A (not to exceed age 21). Write N/A if no minimum age is declared. [341]

VI. CONTRIBUTION PROVISIONS

1. The Employer shall contribute as follows (choose one):

☒ **Fixed Employer Contributions With Or Without Mandatory Participant Contributions.**

The Employer shall contribute on behalf of each Participant 4.0 % of earnings or $ N/A for the Plan Year (subject to the limitations of Article V of the Plan). Each Participant is required to contribute 4.0 % of earnings or $ N/A for the Plan Year as a condition of participation in the Plan. (Write "0" if no contribution is required.) If Participant Contributions are required under this option, a Participant shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

The Employer hereby elects to "pick up" the Mandatory/Required Participant Contribution.

☒ Yes ☐ No [621]

The pick-up provision specifies that the contribution is treated, for federal income tax purposes, as though it is made by the employer. The pick-up provision allows the employee to defer taxes on the employee mandatory contribution. The actual result is the same as if the contribution were a reduction in that employee's salary by the amount of the contribution. Picked up contributions are NOT exempt from Social Security tax

[Note to Employer: A determination letter issued to an adopting Employer is not a ruling by the Internal Revenue Service that Participant contributions that are picked up by the Employer are not includable in the Participant's gross income for federal income tax purposes. The Employer may seek such a ruling.

[Picked up contributions are excludable from the Participant's gross income under section 414(h)(2) of the Internal Revenue Code of 1986 only if they meet the requirements of Rev. Rul. 81-35, 1981-1 C.B. 255. Those requirements are (1) that the Employer must specify that the contributions, although designated as employee contributions, are being paid by the Employer in lieu of contributions by the employee; and (2) the employee must not have the option of receiving the contributed amounts directly instead of having them paid by the Employer to the plan.]

❑ **Fixed Employer Match of Participant Contributions.**

The Employer shall contribute on behalf of each Participant _____% of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) for each Plan Year that such Participant has contributed _____% of Earnings or $_____. Under this option, there is a single, fixed rate of Employer contributions, but a Participant may decline to make the required Participant contributions in any Plan Year, in which case no Employer contribution will be made on the Participant's behalf in that Plan Year.

❑ **Variable Employer Match Of Participant Contributions.**

The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Article V of the Plan):

_____% of the contributions made by the Participant for the Plan Year (not including Participant contributions exceeding _____% of Earnings or $_____);

PLUS _____% of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Participant contributions exceeding in the aggregate _____% of Earnings or $_____).

Employer Contributions on behalf of a Participant for a Plan Year shall not exceed $_____ or _____% of Earnings, whichever is _____ more or _____ less.

2. Each Participant may make a voluntary (unmatched), after-tax contribution, subject to the limitations of Section 4.05 and Article V of the Plan.

☒ Yes ❑ No

3. Employer contributions and Participant contributions shall be contributed to the Trust in accordance with the following payment schedule: (please circle one choice) *[611].*

0	Bi-Weekly	1	Weekly	2	Semi-Weekly
3	Bi-Monthly	4	Monthly	5	Semi-Monthly
6	Bi-Quarterly	7	Quarterly	8	Semi-Quarterly
9	Bi-Annually	10	Annually	11	Semi-Annually

VII. – EARNINGS

Earnings, as defined under Section 2.09 of the Plan, shall include:

(a)	Overtime	☐	Yes	☒	No
(b)	Bonuses	☐	Yes	☒	No

VIII. LIMITATION ON ALLOCATIONS

If the Employer maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Sections 5.02 and 5.03 of the Plan).

1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, the provisions of Section 5.02(a) through (f) of the Plan will apply unless another method has been indicated below.

   ☐ Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly reduce any excess amounts, in a manner that precludes Employer discretion.)

   N/A

2. If the Participant is or has ever been a participant in a defined benefit plan maintained by the Employer, and if the limitation in Section 5.03 of the Plan would be exceeded, then the Participant's Projected Annual Benefit under the defined benefit plan shall be reduced in accordance with the terms thereof to the extent necessary to satisfy such limitation. If such plan does not provide for such reduction, or if the limitation is still exceeded after the reduction, annual additions shall be reduced to the extent necessary in the manner described in Sections 5.02 and 5.02. The methods of avoiding the limitation described in this paragraph will not apply if the Employer indicates another method below.

❑ Other Method. (Note to Employer: Provide below language which will satisfy the 1.0 limitation of section 415(e) of the Code. Such language must preclude Employer discretion. See section 1.415-1 of the Regulations for guidance.)

N/A

3. The limitation year is the following 12-consecutive month period:
July 1 - June 30

IX. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the minimum vesting requirements as noted and (2) the concurrence of the Plan Administrator.

Years of Service Completed	Percent Vesting
Zero	100 %
One	_____ %
Two	_____ %
Three	_____ %
Four	_____ %
Five	_____ %
Six	_____ %
Seven	_____ %
Eight	_____ %
Nine	_____ %
Ten	_____ %

X. Loans are permitted under the Plan, as provided in Article XIII:

❑ Yes ☒ No *[751]*

XI. The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

XII. The Plan Administrator hereby agrees to inform the Employer of any amendments to the Plan made pursuant to Section 14.05 of the Plan or of the discontinuance or abandonment of the Plan.

XIII. The Employer hereby appoints the ICMA Retirement Corporation as the Plan Administrator pursuant to the terms and conditions of the ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN & TRUST.

The Employer hereby agrees to the provisions of the Plan and Trust.

XIV. The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

XV. An adopting Employer may not rely on a determination letter issued by the National or District O of the Internal Revenue Service as evidence that the Plan is qualified under Section 401 of the Inte nal Revenue Code. In order to obtain reliance with respect to plan qualification, the Employer must apply to the appropriate key district office for a determination letter.

In Witness Whereof, the Employer hereby causes this Agreement to be executed on this 27 day of NOVEMBER, 2002.

EMPLOYER

By: _____

Title: RISK MANAGER

Attest: Mari Dibdin

ACCEPTED: ICMA RETIREMENT CORPORATION

Paul F. Gallagher

Title: Corporate Secretary

Norma Richardson

Attest:

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-574

Print

A RESOLUTION ESTABLISHING A MONEY PURCHASE RETIREMENT PLAN TO BE ADMINISTERED BY THE INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION FOR CITY OF MODESTO EXECUTIVES, AND AUTHORIZING CITY OF MODESTO RISK MANAGER TO BE COORDINATOR FOR THE PLAN, ACCOUNT NO. 108063

WHEREAS, the City of Modesto has employees rendering valuable services, and

WHEREAS, the establishment of a Money Purchase Retirement Plan benefits employees by providing funds for retirement and funds for the beneficiaries in the event of death, and

WHEREAS, the City of Modesto desires to establish a Money Purchase Retirement Plan for City of Modesto Executives, and

WHEREAS, the City of Modesto desires that said Money Purchase Retirement Plan be administered by the ICMA Retirement Corporation and that the funds held under such plan be invested in the ICMA Retirement Trust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plan,

NOW THEREFORE BE IT RESOLVED that the City of Modesto hereby establishes or has established a Money Purchase Retirement Plan (the "Plan for Executives") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust, pursuant to the specific provisions of the Adoption Agreement (executed copy attached hereto). The Plan for Executives shall be maintained for the exclusive benefit of eligible employees and their beneficiaries.

BE IT FURTHER RESOLVED that the City of Modesto hereby executes the Declaration of Trust of the ICMA Retirement Trust, attached hereto, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by the City of Modesto, if the assets of the plan are to be invested in the ICMA Retirement Trust.

BE IT FURTHER RESOLVED that the City of Modesto hereby agrees to serve as trustee under the Plan for Executives and to invest funds held under the Plan for Executives in the ICMA Retirement Trust, and

BE IT FURTHER RESOLVED that the Risk Manager shall be the coordinator for the Plan for Executives; shall receive reports, notices, etc., from the ICMA Retirement Corporation or the ICMA Retirement Trust; shall cast, on behalf of the City of Modesto, any required votes under the ICMA Retirement Trust; may delegate any administrative duties relating to the Plan for Executives to appropriate departments; and is authorized to execute all necessary agreements with the ICMA Retirement Corporation incidental to the administration of the Plan for Executives.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

ICMA RETIREMENT CORPORATION
GOVERNMENTAL MONEY PURCHASE PLAN & TRUST
ADOPTION AGREEMENT

Account Number 10- 8063

The Employer hereby establishes a Money Purchase Plan and Trust to be known as (the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust. The Plan shall be known as:

The City of Modesto Executive Money Purchase Plan & Trust [906]

This Plan is an amendment and restatement of an existing defined contribution money purchase plan.

☐ Yes ☒ No

If yes, please specify the name of the defined contribution money purchase plan which this Plan hereby amends and restates: _____

I. Employer Name: CITY OF MODESTO [902]

II. The Effective Date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified: January 1, 2003.

III. Plan Year will mean:

☐ The twelve (12) consecutive month period which coincides with the limitation year. (See Section 5.04(i) of the Plan.) [803]

☒ The twelve (12) consecutive month period commencing on July 1st and each anniversary thereafter. [803]

IV. Normal Retirement Age (not to exceed age 65) shall be age 50. [288]

V. ELIGIBILITY REQUIREMENTS:

1. The following group(s) of Employees are eligible to participate in the Plan:

_____	All Employees
_____	All Full-Time Employees
_____	Salaried Employees
_____	Non-union Employees
_____	Management Employees
_____	Public Safety Employees
_____	General Employees
X	Other (specify below):

All Executives

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other material in effect in the state or locality of the Employer.

2. The Employer hereby waives or reduces the requirement of a twelve (12) month Period of Service for participation. The required Period of Service shall be N/A (write N/A if an Employee is eligible to participate upon employment). [344]

If this waiver or reduction is elected, it shall apply to all Employees within the Covered Employment Classification.

3. A minimum age requirement is hereby specified for eligibility to participate. The minimum age requirement is N/A (not to exceed age 21). Write N/A if no minimum age is declared. [341]

VI. CONTRIBUTION PROVISIONS

1. The Employer shall contribute as follows (choose one):

☒ **Fixed Employer Contributions With Or Without Mandatory Participant Contributions.**

The Employer shall contribute on behalf of each Participant 2.0 % of earnings or $ N/A for the Plan Year (subject to the limitations of Article V of the Plan). Each Participant is required to contribute 2.0 % of earnings or $ N/A for the Plan Year as a condition of participation in the Plan. (Write "0" if no contribution is required.) If Participant Contributions are required under this option, a Participant shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

The Employer hereby elects to "pick up" the Mandatory/Required Participant Contribution.

☒ Yes ☐ No [621]

The pick-up provision specifies that the contribution is treated, for federal income tax purposes, as though it is made by the employer. The pick-up provision allows the employee to defer taxes on the employee mandatory contribution. The actual result is the same as if the contribution were a reduction in that employee's salary by the amount of the contribution. Picked up contributions are NOT exempt from Social Security tax

[Note to Employer: A determination letter issued to an adopting Employer is not a ruling by the Internal Revenue Service that Participant contributions that are picked up by the Employer are not includable in the Participant's gross income for federal income tax purposes. The Employer may seek such a ruling.

[Picked up contributions are excludable from the Participant's gross income under section 414(h)(2) of the Internal Revenue Code of 1986 only if they meet the requirements of Rev. Rul. 81-35, 1981-1 C.B. 255. Those requirements are (1) that the Employer must specify that the contributions, although designated as employee contributions, are being paid by the Employer in lieu of contributions by the employee; and (2) the employee must not have the option of receiving the contributed amounts directly instead of having them paid by the Employer to the plan.]

❑ **Fixed Employer Match of Participant Contributions.**

The Employer shall contribute on behalf of each Participant _____% of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) for each Plan Year that such Participant has contributed _____% of Earnings or $_____. Under this option, there is a single, fixed rate of Employer contributions, but a Participant may decline to make the required Participant contributions in any Plan Year, in which case no Employer contribution will be made on the Participant's behalf in that Plan Year.

❑ **Variable Employer Match Of Participant Contributions.**

The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Article V of the Plan):

_____% of the contributions made by the Participant for the Plan Year (not including Participant contributions exceeding _____% of Earnings or $_____);

PLUS _____% of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Participant contributions exceeding in the aggregate _____% of Earnings or $_____).

Employer Contributions on behalf of a Participant for a Plan Year shall not exceed $_____ or _____% of Earnings, whichever is _____ more or _____ less.

2. Each Participant may make a voluntary (unmatched), after-tax contribution, subject to the limitations of Section 4.05 and Article V of the Plan.

☒ Yes ❑ No

3. Employer contributions and Participant contributions shall be contributed to the Trust in accordance with the following payment schedule: (please circle one choice) *[611]*

0	Bi-Weekly	1	Weekly	2	Semi-Weekly
3	Bi-Monthly	4	Monthly	5	Semi-Monthly
6	Bi-Quarterly	7	Quarterly	8	Semi-Quarterly
9	Bi-Annually	10	Annually	11	Semi-Annually

VII. -- EARNINGS

Earnings, as defined under Section 2.09 of the Plan, shall include:

(a) Overtime ☐ Yes ☒ No

(b) Bonuses ☐ Yes ☒ No

VIII. LIMITATION ON ALLOCATIONS

If the Employer maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Sections 5.02 and 5.03 of the Plan).

1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, the provisions of Section 5.02(a) through (f) of the Plan will apply unless another method has been indicated below.

☐ Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly reduce any excess amounts, in a manner that precludes Employer discretion.)

N/A

2. If the Participant is or has ever been a participant in a defined benefit plan maintained by the Employer, and if the limitation in Section 5.03 of the Plan would be exceeded, then the Participant's Projected Annual Benefit under the defined benefit plan shall be reduced in accordance with the terms thereof to the extent necessary to satisfy such limitation. If such plan does not provide for such reduction, or if the limitation is still exceeded after the reduction, annual additions shall be reduced to the extent necessary in the manner described in Sections 5.02 and 5.02. The methods of avoiding the limitation described in this paragraph will not apply if the Employer indicates another method below.

❑ Other Method. (Note to Employer: Provide below language which will satisfy the 1.0 limitation of section 415(e) of the Code. Such language must preclude Employer discretion. See section 1.415-1 of the Regulations for guidance.)

N/A

3. The limitation year is the following 12-consecutive month period:
July 1 - June 30

IX. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the minimum vesting requirements as noted and (2) the concurrence of the Plan Administrator.

Years of Service Completed	Percent Vesting
Zero	100 %
One	_____ %
Two	_____ %
Three	_____ %
Four	_____ %
Five	_____ %
Six	_____ %
Seven	_____ %
Eight	_____ %
Nine	_____ %
Ten	_____ %

X. Loans are permitted under the Plan, as provided in Article XIII:

❑ Yes ☒ No *[751]*

XI. The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

XII. The Plan Administrator hereby agrees to inform the Employer of any amendments to the Plan made pursuant to Section 14.05 of the Plan or of the discontinuance or abandonment of the Plan.

XIII. The Employer hereby appoints the ICMA Retirement Corporation as the Plan Administrator pursuant to the terms and conditions of the ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN & TRUST.

The Employer hereby agrees to the provisions of the Plan and Trust.

XIV. The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

XV. An adopting Employer may not rely on a determination letter issued by the National or District O of the Internal Revenue Service as evidence that the Plan is qualified under Section 401 of the Int nal Revenue Code. In order to obtain reliance with respect to plan qualification, the Employer mus apply to the appropriate key district office for a determination letter.

In Witness Whereof, the Employer hereby causes this Agreement to be executed on this 27 day of NOVEMBER, 2002.

EMPLOYER

By: _____

Title: RISK MANAGER

Attest: _____

ACCEPTED: ICMA RETIREMENT CORPORATION

_____

Title: Corporate Secretary

_____

Attest:

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-575

Print

A RESOLUTION ESTABLISHING A MONEY PURCHASE RETIREMENT PLAN TO BE ADMINISTERED BY THE INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION FOR CITY OF MODESTO UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES, AND AUTHORIZING CITY OF MODESTO RISK MANAGER TO BE COORDINATOR FOR THE PLAN, ACCOUNT NO. 108215

WHEREAS, the City of Modesto has employees rendering valuable services, and

WHEREAS, the establishment of a Money Purchase Retirement Plan benefits employees by providing funds for retirement and funds for the beneficiaries in the event of death, and

WHEREAS, the City of Modesto desires to establish a Money Purchase Retirement Plan for City of Modesto unrepresented Management and Confidential employees, and

WHEREAS, the City of Modesto desires that said Money Purchase Retirement Plan be administered by the ICMA Retirement Corporation and that the funds held under such plan be invested in the ICMA Retirement Trust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plan,

NOW THEREFORE BE IT RESOLVED that the City of Modesto hereby establishes or has established a Money Purchase Retirement Plan (the "Plan for Unrepresented Management and Confidential Employees") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust, pursuant to the specific provisions of the Adoption Agreement (executed copy attached hereto). The

Plan for Unrepresented Management and Confidential Employees shall be maintained for the exclusive benefit of eligible employees and their beneficiaries.

BE IT FURTHER RESOLVED that the City of Modesto hereby executes the Declaration of Trust of the ICMA Retirement Trust, attached hereto, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by the City of Modesto, if the assets of the plan are to be invested in the ICMA Retirement Trust.

BE IT FURTHER RESOLVED that the City of Modesto hereby agrees to serve as trustee under the Plan for Unrepresented Management and Confidential Employees and to invest funds held under the Plan for Unrepresented Management and Confidential Employees the ICMA Retirement Trust, and

BE IT FURTHER RESOLVED that the Risk Manager shall be the coordinator for the Plan for Unrepresented Management and Confidential Employees; shall receive reports, notices, etc., from the ICMA Retirement Corporation or the ICMA Retirement Trust; shall cast, on behalf of the City of Modesto, any required votes under the ICMA Retirement Trust; may delegate any administrative duties relating to the Plan for Unrepresented Management and Confidential Employees to appropriate departments; and is authorized to execute all necessary agreements with the ICMA Retirement Corporation incidental to the administration of the Plan for Unrepresented Management and Confidential Employees.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Mike Milich
MICHAEL D. MILICH, City Attorney

ICMA RETIREMENT CORPORATION
GOVERNMENTAL MONEY PURCHASE PLAN & TRUST
ADOPTION AGREEMENT

Account Number 10- 8215

The Employer hereby establishes a Money Purchase Plan and Trust to be known as (the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust. The Plan shall be known as:

The City of Modesto Non-Represented Management & Confidential Employees Money Purchase Plan & Trust [906]

This Plan is an amendment and restatement of an existing defined contribution money purchase plan.

☐ Yes ☒ No

If yes, please specify the name of the defined contribution money purchase plan which this Plan hereby amends and restates: _____

I. Employer Name: CITY OF MODESTO [902]

II. The Effective Date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified: January 1, 2003.

III. Plan Year will mean:

☐ The twelve (12) consecutive month period which coincides with the limitation year. (See Section 5.04(i) of the Plan.) [803]

☒ The twelve (12) consecutive month period commencing on July 1st and each anniversary thereafter. [803]

IV. Normal Retirement Age (not to exceed age 65) shall be age 50. [288]

V. ELIGIBILITY REQUIREMENTS:

1. The following group(s) of Employees are eligible to participate in the Plan:

_____	All Employees
_____	All Full-Time Employees
_____	Salaried Employees
_____	Non-union Employees
_____	Management Employees
_____	Public Safety Employees
_____	General Employees
X	Other (specify below): Non-Represented Management & Confidential Employees

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other material in effect in the state or locality of the Employer.

2. The Employer hereby waives or reduces the requirement of a twelve (12) month Period of Service for participation. The required Period of Service shall be N/A (write N/A if an Employee is eligible to participate upon employment). [344]

If this waiver or reduction is elected, it shall apply to all Employees within the Covered Employment Classification.

3. A minimum age requirement is hereby specified for eligibility to participate. The minimum age requirement is N/A (not to exceed age 21). Write N/A if no minimum age is declared. [341]

VI. CONTRIBUTION PROVISIONS

1. The Employer shall contribute as follows (choose one):

☒ **Fixed Employer Contributions With Or Without Mandatory Participant Contributions.**

The Employer shall contribute on behalf of each Participant 1.0 % of earnings or $ N/A for the Plan Year (subject to the limitations of Article V of the Plan). Each Participant is required to contribute 1.0 % of earnings or $ N/A for the Plan Year as a condition of participation in the Plan. (Write "0" if no contribution is required.) If Participant Contributions are required under this option, a Participant shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

The Employer hereby elects to "pick up" the Mandatory/Required Participant Contribution.

☒ Yes ☐ No [621]

The pick-up provision specifies that the contribution is treated, for federal income tax purposes, as though it is made by the employer. The pick-up provision allows the employee to defer taxes on the employee mandatory contribution. The actual result is the same as if the contribution were a reduction in that employee's salary by the amount of the contribution. Picked up contributions are NOT exempt from Social Security tax

[Note to Employer: A determination letter issued to an adopting Employer is not a ruling by the Internal Revenue Service that Participant contributions that are picked up by the Employer are not includable in the Participant's gross income for federal income tax purposes. The Employer may seek such a ruling.

[Picked up contributions are excludable from the Participant's gross income under section 414(h)(2) of the Internal Revenue Code of 1986 only if they meet the requirements of Rev. Rul. 81-35, 1981-1 C.B. 255. Those requirements are (1) that the Employer must specify that the contributions, although designated as employee contributions, are being paid by the Employer in lieu of contributions by the employee; and (2) the employee must not have the option of receiving the contributed amounts directly instead of having them paid by the Employer to the plan.]

❑ **Fixed Employer Match of Participant Contributions.**

The Employer shall contribute on behalf of each Participant _____% of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) for each Plan Year that such Participant has contributed _____% of Earnings or $_____. Under this option, there is a single, fixed rate of Employer contributions, but a Participant may decline to make the required Participant contributions in any Plan Year, in which case no Employer contribution will be made on the Participant's behalf in that Plan Year.

❑ **Variable Employer Match Of Participant Contributions.**

The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Article V of the Plan):

_____% of the contributions made by the Participant for the Plan Year (not including Participant contributions exceeding _____% of Earnings or $_____);

PLUS _____% of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Participant contributions exceeding in the aggregate _____% of Earnings or $_____).

Employer Contributions on behalf of a Participant for a Plan Year shall not exceed $_____ or _____% of Earnings, whichever is _____ more or _____ less.

2. Each Participant may make a voluntary (unmatched), after-tax contribution, subject to the limitations of Section 4.05 and Article V of the Plan.

☒ Yes ❑ No

3. Employer contributions and Participant contributions shall be contributed to the Trust in accordance with the following payment schedule: (please circle one choice) [611]

0	Bi-Weekly	1	Weekly	2	Semi-Weekly
3	Bi-Monthly	4	Monthly	5	Semi-Monthly
6	Bi-Quarterly	7	Quarterly	8	Semi-Quarterly
9	Bi-Annually	10	Annually	11	Semi-Annually

VII. EARNINGS

Earnings, as defined under Section 2.09 of the Plan, shall include:

(a) Overtime ☐ Yes ☒ No

(b) Bonuses ☐ Yes ☒ No

VIII. LIMITATION ON ALLOCATIONS

If the Employer maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Sections 5.02 and 5.03 of the Plan).

1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, the provisions of Section 5.02(a) through (f) of the Plan will apply unless another method has been indicated below.

☐ Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly reduce any excess amounts, in a manner that precludes Employer discretion.)

N/A

2. If the Participant is or has ever been a participant in a defined benefit plan maintained by the Employer, and if the limitation in Section 5.03 of the Plan would be exceeded, then the Participant's Projected Annual Benefit under the defined benefit plan shall be reduced in accordance with the terms thereof to the extent necessary to satisfy such limitation. If such plan does not provide for such reduction, or if the limitation is still exceeded after the reduction, annual additions shall be reduced to the extent necessary in the manner described in Sections 5.02 and 5.02. The methods of avoiding the limitation described in this paragraph will not apply if the Employer indicates another method below.

❑ Other Method. (Note to Employer: Provide below language which will satisfy the 1.0 limitation of section 415(e) of the Code. Such language must preclude Employer discretion. See section 1.415-1 of the Regulations for guidance.)

N/A

3. The limitation year is the following 12-consecutive month period:
July 1 - June 30

IX. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the minimum vesting requirements as noted and (2) the concurrence of the Plan Administrator.

Years of Service Completed	Percent Vesting
Zero	100 %
One	_____ %
Two	_____ %
Three	_____ %
Four	_____ %
Five	_____ %
Six	_____ %
Seven	_____ %
Eight	_____ %
Nine	_____ %
Ten	_____ %

X. Loans are permitted under the Plan, as provided in Article XIII:

❑ Yes ☒ No *[751]*

XI. The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

XII. The Plan Administrator hereby agrees to inform the Employer of any amendments to the Plan made pursuant to Section 14.05 of the Plan or of the discontinuance or abandonment of the Plan.

XIII. The Employer hereby appoints the ICMA Retirement Corporation as the Plan Administrator pursuant to the terms and conditions of the ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN & TRUST.

The Employer hereby agrees to the provisions of the Plan and Trust.

XIV. The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

XV. An adopting Employer may not rely on a determination letter issued by the National or District C of the Internal Revenue Service as evidence that the Plan is qualified under Section 401 of the Int nal Revenue Code. In order to obtain reliance with respect to plan qualification, the Employer must apply to the appropriate key district office for a determination letter.

In Witness Whereof, the Employer hereby causes this Agreement to be executed on this 27 day of Nov, 2002.

EMPLOYER

By: _____

Title: Risk Manager

Attest: Nancy Bidder

ACCEPTED: ICMA RETIREMENT CORPORATION

Paul F. Gallagher

Title: Corporate Secretary

Norma Richardson

Attest:

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-576

A RESOLUTION TO ESTABLISH THE MANDATORY EMPLOYEE CONTRIBUTION FOR ALL PLANS AND FOR THE INCLUSION OF NON-SWORN, UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES IN THE MONEY PURCHASE PLAN WITH A 1% CITY CONTRIBUTION

WHEREAS, by Resolution No. 2000-274 which became effective June 6, 2000, the City Council authorized the establishment of a Money Purchase Plan for the benefit of the City Manager. On June 11, 2002, by Council Resolution No. 2002-307, the City Council authorized the establishment of additional plans to cover Fire Battalion Chiefs, Fire Division Chiefs, Police Captains, Executives and Charter Officers, and

WHEREAS, Council Resolution No. 2002-307 established the City-paid contribution level for each category, but did not establish the amount of the mandatory employee contribution. Since there will be three separate City-paid levels of contribution, it will be necessary to establish three distinct plans to recognize each category. Since all of the Charter Officers will be treated equally, it is advantageous to amend the current plan to include the City Attorney and the City Clerk along with the City Manager, at a mandatory employee contribution level of 4%, and,

WHEREAS, each category will be required to contribute the same amount as the City-paid contribution to participate in the Plan, which will be 2% for the Executives, other than Charter Officers, and 1% for unrepresented Management and Confidential employees, and

WHEREAS, funds are budgeted in FY 02-03 Budget. Plan changes will become effective January 1, 2003,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the existing Money Purchase Plan be amended for the City Manager to allow participation by all Charter Officers at a mandatory contribution level of 4%; establish separate Money Purchase Plans for Executives at a mandatory contribution level of 2%; and unrepresented Management and Confidential employees at a mandatory contribution level of 1%; and, approve the inclusion of non-sworn, unrepresented Management and Confidential employees in the Plan, with a 1% City contribution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 577

Print

A RESOLUTION ACCEPTING A DEED OF AVIGATION AND HAZARD EASEMENT FROM TUOLUMNE PROPERTIES, L.L.C., THATALLOWS AIRCRAFT FLIGHT OVER RESIDENTIAL PROPERTY WITHIN THE RIVER RANCH PLANNED COMMUNITY ADJACENT TO MODESTO CITY-COUNTY AIRPORT, AND AUTHORIZING THE CITY MANAGER TO SIGN THE ACCEPTANCE OF THIS EASEMENT OR OTHER SUBSEQUENT SIMILAR EASEMENTS FOR OTHER DEVELOPMENTS ON BEHALF OF THE CITY.

WHEREAS, Tuolumne Properties, L.L.C., are proposing to subdivide and develop property adjacent to Modesto City-County Airport into a residential area, and

WHEREAS, Modesto City-County Airport is a commercial service airport identified as part of the National Airport Intergraded Systems Plan and Stanislaus County has, as required by State law, developed an Airport Land Use Commission (ALUC) Compatible Land Use Plan (CLUP) which includes the Modesto City-County Airport, and

WHEREAS, the purpose of the state law is to protect airports within the state of California from incompatible land uses, and

WHEREAS, Modesto City-County Airport is an active airport with commercial and general aviation aircraft arrivals and departures that will be flying directly over the River Ranch Planned Community, and

WHEREAS, airport staff has requested the City of Ceres to require property developers subdividing and developing property within Modesto City-County Airport's area of influence to provide the City of Modesto with a Deed of Avigation and Hazard Easement, and

WHEREAS, Tuolumne Properties, L.L.C., and other subsequent developers, have or will agree to provide the City of Modesto with a Deed of Avigation and Hazard Easement

that will allow the continuous over flight of aircraft over the residential areas being developed within the airport's area of influence,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby accepts the Deed of Avigation and Hazard Easement from Tuolumne Properties, L.L.C., and any subsequent similar easements by future property developers as a condition to subdivide and develop property within the area of influence of Modesto City-County Airport.

BE IT FURTHER RESOLVED that the City Manager, or his authorized representative, is authorized to sign the Deeds of Avigation and Hazard Easements on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-578

Print

A RESOLUTION ACCEPTING IMPROVEMENTS IN THE LAWSONS TWENTY SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, FLORSHEIM BROS., a California General Partnership, by Florsheim Properties, a California Corporation, Partner, is the subdivider of the Lawsons Twenty Subdivision, and

WHEREAS, FLORSHEIM BROS., a California General Partnership, by Florsheim Properties, a California Corporation, Partner, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $951,480.00 and $475,740.00, respectively, and

WHEREAS, FLORSHEIM BROS., a California General Partnership, by Florsheim Properties, a California Corporation, Partner, has filed a warranty bond in the amount of $95,148.00 to guarantee improvements in the Lawsons Twenty Subdivision, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file a Notice of Completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The improvements in the Lawsons Twenty Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $951,480.00 upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $475,740.00 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $95,148.00 one year and one day after the effective date of this resolution, provided no claim is made thereon.
5. The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-579

A RESOLUTION ACCEPTING IMPROVEMENTS IN THE MILLBROOK ESTATES UNIT NO. 4 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, BRIGHT DEVELOPMENT, a California Corporation, is the subdivider of the Millbrook Estates Unit No. 4 Subdivision, and

WHEREAS, BRIGHT DEVELOPMENT, a California Corporation, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $326,563.00 and $163,281.50, respectively, and

WHEREAS, BRIGHT DEVELOPMENT, a California Corporation, has filed a warranty bond in the amount of $32,656.00 to guarantee improvements in the Millbrook Estates Unit No. 4 Subdivision, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file a Notice of Completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The improvements in Millbrook Estates Unit No. 4 Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $326,563.00 upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $163,281.50 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $32,656.00 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-580

A RESOLUTION APPROVING THE FINAL MAP OF BANYON ESTATES SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, GREG AVERY, INC., a California corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 8.25 acres, known as BANYON ESTATES ("SUBDIVISION"), in the Village One Specific Plan Area, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 7th day of January, 2002, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code

of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Frohman
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
MICHAEL D. MILICH, City Attorney

By Alison A. Barratt-Green
ALISON A. BARRATT-GREEN
Senior Deputy City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-581

A RESOLUTION APPROVING THE FINAL MAP OF THE PAPATONE WEST SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, MODESTO ANNEX DEVELOPERS, L.P., a California limited partnership, by Modesto Annex Investors, LLC, a California limited liability company, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 39.04 acres, known as the PAPATONE WEST ("SUBDIVISION"), in the Village One Specific Plan Area, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 5th day of February, 2001, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider

has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Frohman
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
MICHAEL D. MILICH, City Attorney

By Alison A. Barratt-Green
ALISON A. BARRATT-GREEN
Senior Deputy City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-582

Print

A RESOLUTION APPROVING THE FINAL MAP OF THE PAPATONE EAST SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, Meritage Homes of Northern California, Inc., a California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 17.50 acres, known as PAPATONE EAST ("SUBDIVISION"), in the Village One Specific Plan Area, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 5th day of February, 2001, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code,

which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Frohman
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
MICHAEL D. MILICH, City Attorney

By Alison A. Barratt-Green
ALISON A. BARRATT-GREEN
Senior Deputy City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-583

Print

A RESOLUTION AWARDING A $183,153 CONTRACT TO BOYLE ENGINEERING CORPORATION FOR ENGINEERING DESIGN SERVICES FOR THE PROJECT TITLED "NITRATE TREATMENT SYSTEM FOR THE GRAYSON COMMUNITY WATER WELLS".

WHEREAS, following a Request for Proposals which was sent to 23 engineering firms, two proposals for a Nitrate Treatment System for the Grayson Community Water Wells were submitted to the City, and

WHEREAS, the proposals and interviews for the engineering design services for said project were rated by the selection team, and Boyle Engineering Corporation was rated highest, in accordance with Administrative Directive 3.1, and

WHEREAS, the Engineering and Transportation Director has recommended that Boyle Engineering Corporation, be accepted as the most qualified engineering consulting firm, and

WHEREAS, the Engineering & Transportation Director has recommended accepting the proposal of Boyle Engineering Corporation, in an amount not to exceed $183,153,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards a contract for engineering design services for the project titled "Nitrate Treatment System for the Grayson Water Wells" to Boyle Engineering Corporation, in an amount not to exceed $183,153.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-584

A RESOLUTION APPROVING THE FY 2002-2003 BUDGET FOR THE STANISLAUS RESOURCE RECOVERY ("WASTE-TO-ENERGY") FACILITY

WHEREAS, on December 17, 1985, the City of Modesto and County of Stanislaus entered into an agreement for administration of the City/County Service Agreement with the Stanislaus Waste Energy Company (now Covanta Stanislaus) for supply and acceptance of solid waste, and

WHEREAS, since that time, the City has been partners with Stanislaus County and

Covanta Stanislaus in the Stanislaus Resource Recovery Facility (the "Waste-to-Energy" or "WTE" Facility), and

WHEREAS, the Agreement established a Solid Waste-to-Energy Executive Committee ("Executive Committee") to prepare an annual budget for each fiscal year, which Waste-to-Energy annual budget is to be submitted to the City Council and Board of Supervisors for approval, and

WHEREAS, at its September 12, 2002, meeting the Solid Waste-to-Energy Executive Committee considered the 2002/2003 budget as shown in the attached **Exhibit "A",** and the Executive Committee unanimously approved forwarding the 2002/2003 Waste-to-Energy budget to the Modesto City Council and the Stanislaus County Board of Supervisors for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the FY 2002-2003 Waste-to-Energy Project Budget, a copy of which is attached hereto as **Exhibit "A"** and incorporated herein by reference, as recommended by the City/County Solid Waste-to-Energy Executive Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

WTE B Y 99-03

DESCRIPTION	FY -99-00		FY -00-01		FY 01-02		FY 02-03 Proposed
	Budget	Expenditures	Budget	Expenditures	Budget	Expenditures	Budget
6040 Communications	500.00	0.00	500.00	0.00	500.00	0.00	0.00
6160 Maintenance- Equipment	500.00	0.00	500.00	0.00	500.00	0.00	0.00
6220 Memberships	8,000.00	8,500.00	9,000.00	12,000.00	12,000.00	12,000.00	12,000.00
6280 Office Supplies	650.00	168.16	**1000	131.00	1,000.00	0.00	0.00
6273 Postage	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6278 Books & Periodicals	500.00	0.00	500.00	0.00	500.00	0.00	0.00
6299 Exp. Equipment - To $5,000	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6299 Office Equipment Under $1,000	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6280 Photo Services & Supplies	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6300 Professional & Special Svcs	**100,000.00	39,000.00	**200,000.00	20,000.00	174,000.00	26,387.50	160,000.00
6328 Contracts	**0.00	54,464.90	**0.00	14,150.00	0.00	34,932.45	0.00
6340 Engineering Services	**75,000.00	108,388.70	**75,000.00	16,556.18	0.00	0.00	100,000.00
6341 Admin. Services (City)	**123,000.00	127,162.98	**130,000.00	129,675.94	150,000.00	150,000.00	160,000.00
6384 Legal Services	**150,000.00	84,764.87	**50,000.00	39,425.63	250,000.00	4,520.00	200,000.00
6399 Outside dp services	0.00	2,150.00	0.00	0.00	0.00	0.00	0.00
6500 Publications& Legal Notices	200.00	0.00	200.00	0.00	200.00	0.00	200.00
6510 Rents & Leases-Equipment	1,000.00	0.00	1,000.00	0.00	1,000.00	0.00	0.00
6530 Rents & Leases-Struct &Grnds	8,000.00	0.00	**4,000.00	0.00	4,000.00	0.00	0.00
6578 Education & Training	1,000.00	0.00	1,000.00	0.00	1,000.00	0.00	0.00
6592 Meeting Allowance	0.00	217.56	0.00	0.00	0.00	0.00	0.00
6671 Service Charges	11,817,848.00	10,159,632.56	11,820,998.00	12,120,856.80	9,980,842.00	6,718,697.96	7,770,342.00
6704 Other Travel Expenses	15,000.00	1,085.98	**7,500.00	1,047.10	7,500.00	1,367.96	7,500.00
7280 Depreciation & Amortization	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7408 Central Services Printing	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7425 County Counsel Services	21,660.00	18,918.39	22,740.00	3,386.43	23,000.00	6,045.12	23,000.00
74300 Funds >13-Svc dpt Billings-In	0.00	0.00	0.00	0.00	0.00	0.00	0.00
74301 Funds >13-Svc dpt Billings-Au	6,020.00	258.54	260.00	199.37	110.00	136.53	110.00
74302 Funds >13-Svc dpt Billings-Pu	500.00	181.34	350.00	235.78	200.00	180.47	200.00
7430 Service Dept Billings	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7430 General County Overhead	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7437 Stores-Office Supplies	200.00	0.00	210.00	0.00	220.00	0.00	220.00
7452 Admin.Services (C	77,000.00	160,566.36	77,000.00	126,518.57	75,000.00	74,796.80	96,000.00
7488 Funds>13 - A-87 charges-CEO	-1,069.00	0.00	0.00	0.00	428.00	428.00	428.00
7488 Funds>13 - A-87 carry forward	0.00	-630.00	0.00	0.00	0.00	0.00	0.00
7488 A-87 Rollforward	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7488 A-87 Charges	0.00	0.00	672.00	672.00	0.00	0.00	0.00
8585 Other Operating Transfers Out	876,000.00	814,298.00	876,000.00	779,536.34	876,000.00	781,898.00	
8585a Operating Transfers Out - AB 939							405,000.00
8585b Operating Transfers Out HHW							405,000.00
8213 Office Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8442 Pers Computers & Equip.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	13,281,509.00	11,579,128.34	13,278,430.00	13,264,391.14	11,558,000.00	7,661,266.59	9,340,000.00

WTE Budget/Revenues

DESCRIPTION	FY -99-00		FY -00-01		FY 01-02		FY 02-03
	Budget	Revenues	Budget	Revenues	Approved Budget	Revenues	Proposed Budget
17000 Interest	1,378,509.00	1,852,415.00	2,094,630.00	1,992,798.00	1,500,000.00	1,300,129.78	1,105,000.00
17610 Fair value of	0.00	-130,925.00	0.00	415,823.00	0.00	0.00	0.00
34400 Sanitation Service	11,753,000.00	10,928,329.00	10,993,800.00	10,322,612.00	9,928,000.00	8,336,484.79	8,100,000.00
36470 Other Service Charges	0.00	0.00	0.00	0.00	0.00	0.00	0.00
40590 Donations & Contributions	0.00	0.00	0.00	5,464.00	0.00	0.00	0.00
40860 Misc. Reimbursement	150,000.00	167,023.00	190,000.00	249,969.00	130,000.00	220,115.54	135,000.00
Total	13,281,509.00	12,816,842.00	13,278,430.00	12,986,666.00	11,558,000.00	9,856,730.11	9,340,000.00

Waste to Energy Project Budget Expenditures - Additional Detail		
Account	Amount	Description
60400	$0	Communications - provision for personal communications equipment
61600	$0	Maintenance - equipment - provision for equipment maintenance contracts
62200	$12,000	Memberships - The project is a member of the Independent Energy Producers Association, which was formed to protect the interests of small energy producers.
62600	$0	Office Supplies - WTE letterhead, envelopes, etc.
62780	$0	Books/Periodicals - provision for WTE related publications
63000	$160,000	Professional and Special Services $50,000: Financial Advisors - This fund is for ongoing Financial Advisor Services related to the administration of the project, such as tipping fee reviews and revenue projections. $8,000: Bond Logistix - Annual analysis required for tax purposes $36,000: Legislative Lobbyist - Lobbyist to represent the project's interests with the Legislature, ISO, and other state agencies $6,000: Bi-annual Trust Account Audit - The project audits the Trust Account every two years. $30,000: Energy Consultant - The Committee has authorized the CEO and City Manager to retain a consultant to assist with the resolution of issues related to the energy crisis. $30,000: Auditor – Two year audit of the Resource Recovery Account.
63280	$0	Contracts
63400	$100,000	Engineering Services - This is a contingency for engineering services that may be required if there are any required modifications to the facility.
63401	$160,000	Administrative Services - This account provides for reimbursement to the City of Modesto for any staff costs associated with the project. These are as follows; Engineering & Transportation - $30,000 City Attorney - $27,000 Solid Waste - $91,000 Office Expenses - $12,000
63640	$200,000	Legal Services - This provides for outside legal counsel for the PG&E litigation, Bond counsel to the project, Bankruptcy counsel to the project, and for legal issues which may arise for other project elements, such as changes in legislation related to flow control.
65000	$200	Public/legal notices - provision for required legal notices
65100	$0	Rent/equipment - provision for office equipment rental
65300	$0	Rent/structure- provision for administration space rental
66710	$7,770,342	Service Charges - This account provides for payment of the Service Fee to Ogden Martin, which includes Debt Service, O&M costs, Pass Throughs and other costs.
67040	$7,500	Travel Expenses - This account provides for project related travel, which may be significant this year due to the Covanta reorganization.
60	**$8,426,042**	**Services & Supplies**

74080	$0	Central Services Printing
74250	$23,000	County Counsel - This covers the County's cost for County Counsel services related to the project.
74301	$110	Service Department Billing/Auditor - This covers the project related costs of the County Auditor/Controller.
74302	$200	Service Dept. Bill - Purchasing - Internal service by Purchasing Dept.
74370	$220	Stores - Internal supplies
74520	$96,000	Admin Services - This account covers the project related costs of the County Department of Environmental Resources
74881	$428	A-87 Charges - Credit against County admin charges
70	**$103,958**	**Other Charges**
82130	$0	Office equipment
84420	$0	Personal computer equipment
80	**0**	**Fixed Assets**
85850	$810,000	Transfers out - $1.50/ton for HHW and $1.50/ton for AB 939
85	**$810,000**	**Other Financial Uses**
	$9,340,000	**Total Expenditures for FY 2001-2002**

Waste to Energy Project Budget Revenue Projections		
Account	Amount Budgeted	Description
17000	$1,105,000	Interest - Interest on pooled cash
34400	$8,100,000	Sanitation Service - Disposal fee revenues
36470	$0	Other - Service charge
40590	$0	Donations & contributions
40860	$135,000	Miscellaneous reimbursement - supplemental waste revenue and service fee credits
41450	$0	Prior period revenue
	$9,340,000	Total Revenues for FY 2001-2002

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-585

A RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS RELATING TO ADMINISTRATION OF SERVICE AGREEMENT FOR SUPPLY AND ACCEPTANCE OF SOLID WASTE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO AGREEMENT

WHEREAS, on December 17, 1985, the City of Modesto and County of Stanislaus entered into an "Agreement Between the City of Modesto and County of Stanislaus Relating to Administration of Service Agreement for Supply and Acceptance of Solid Waste" ("AGREEMENT"), and

WHEREAS, the AGREEMENT established an Executive Committee to prepare an annual budget for each fiscal year prior to April 15th of each year, which Waste-to-Energy annual budget is to be submitted to the City Council and Board of Supervisors for approval prior to June 1st of each year, and

WHEREAS, the Service Agreement with Covanta requires Covanta to provide an estimate of their Service Fees for an upcoming year "Thirty (30) days prior to the end of each Contract Year", or June 1st, which conflicts with the deadlines in the AGREEMENT, and

WHEREAS, said estimate is necessary for the preparation of an accurate budget, and

WHEREAS, at its September 12, 2002, meeting the Solid Waste-to-Energy Executive Committee unanimously approved an amendment to the AGREEMENT to change the deadline for the Executive Committee to prepare the budget to July 1st of each year, and the deadline for approval by the Council and Board of Supervisors to August 1st of each year, and

WHEREAS, Revenues generated by the project in excess of operating expenses and debt service, are required to be deposited in a Special Revenue Fund designated as the Solid Waste to Energy Fund", which is more commonly referred to as the Resource Recovery Account, and

WHEREAS, until a recent 10-year audit was conducted, there had never been an outside, independent audit of the Resource Recovery Account, and

WHEREAS, the fund balance in this Account is now over $36 million, and

WHEREAS, the outside independent auditor who conducted a 10-year audit of the Resource Recovery Account has recommended that the Resource Recovery Account be audited every two years, and

WHEREAS, at its September 12, 2002, meeting, the Solid Waste-to-Energy Executive Committee also approved an amendment to the AGREEMENT to require that the Resource Recovery Account be audited every two years, and

WHEREAS, the AGREEMENT can be modified and amended by mutual agreement of the parties, and

WHEREAS, on October 29, 2002, the Stanislaus County Board of Supervisors approved the attached Amendment No. 1 to the AGREEMENT, and

WHEREAS, the City Council must approve this Amendment for it to become effective,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves Amendment No. 1 to the Agreement Between the City of Modesto and County of Stanislaus Relating to Administration of Service Agreement for Supply and Acceptance of Solid Waste, a copy of which is attached hereto as **Exhibit**

"A" and incorporated herein by reference, as recommended by the City/County Solid Waste-to-Energy Executive Committee, with respect to changing the deadline for preparation of the budget to July 1st of each year, changing the deadline for approval by the Council and Board of Supervisors to August 1st of each year, and amending the Agreement to require that the Resource Recovery Account be audited every two years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute Amendment No.1 to the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

AGREEMENT BETWEEN CITY OF MODESTO AND COUNTY OF STANISLAUS RELATING TO ADMINISTRATION OF SERVICE AGREEMENT FOR SUPPLY AND ACCEPTANCE OF SOLID WASTE.

THIS AGREEMENT, made and entered into in the City of Modesto, County of Stanislaus, State of California, this 17th day of December, 1985, by and between the CITY OF MODESTO, a municipal corporation of the State of California hereinafter called "CITY", and the COUNTY OF STANISLAUS, a body corporate and politic and a political subdivision of the State of California hereinafter called "COUNTY".

WITNESSETH:

WHEREAS, CITY and COUNTY each recognize the need to develop alternative methods of disposing of solid waste materials, and

WHEREAS, CITY and COUNTY on December 17, 1985, jointly entered into a SERVICE AGREEMENT with STANISLAUS WASTE ENERGY COMPANY for disposal of solid waste materials, and

WHEREAS, CITY and COUNTY each recognize the need to jointly share in the administration and costs of said Service Agreement,

NOW, THEREFORE, it is mutually agreed between CITY and COUNTY as follows:

1. The purpose of this Agreement shall be the joint administration of the SERVICE AGREEMENT FOR SUPPLY AND ACCEPTANCE OF SOLID WASTE entered into on December 17, 1985 by CITY and COUNTY with STANISLAUS WASTE ENERGY COMPANY. The parties agree that they shall, pursuant to the joint exercise of their powers as authorized by Sections 6500 et seq. of the California Government Code, administer said Service Agreement in a manner set forth in this Agreement.

2. There is hereby created a SOLID WASTE-TO-ENERGY EXECUTIVE COMMITTEE which shall consist of two (2) members of the MODESTO'S City Council and two (2) members of the COUNTY'S Board of Supervisors, as selected by their respective legislative bodies and serving at their pleasure. Said SOLID WASTE-TO-ENERGY EXECUTIVE COMMITTEE shall serve in an advisory capacity to the respective legislative bodies of the parties to this agreement and shall also act in an advisory capacity to the SOLID WASTE-TO-ENERGY staff as hereinafter described.

Said committee shall select a chairperson from among its members and shall adopt rules and regulations for holding its meetings and conducting its business. Each of the parties hereto shall appoint sufficient personnel to act in a staff capacity for said Committee as more fully described below.

3. The SOLID WASTE-TO-ENERGY EXECUTIVE COMMITTEE shall prepare or cause to be prepared, prior to April 15 of each year, a budget for the following fiscal year commencing July 1st, for the administration of the Service Agreement hereinabove described. Said budget shall be submitted to the legislative bodies of the CITY and COUNTY for approval by June 1st of each fiscal year. Upon approval by CITY'S and COUNTY'S legislative bodies, the SOLID WASTE-TO-ENERGY staff shall administer the Service Agreement in accordance with said budget and pursuant to the terms of this Agreement.

4. None of the parties hereto shall sell, assign, transfer, convey, let or sublet their respective interests in any of the real or personal property included within the Service Agreement whether owned separately or jointly without the consent of the other party hereto, in writing, first had and obtained.

5. Title to real property presently owned or in the process of being acquired by CITY or COUNTY as more fully described in said Service Agreement or Facility Site Lease Agreement which shall be entered into by and between COUNTY and STANISLAUS WASTE ENERGY COMPANY shall remain in the party or parties presently owning or acquiring the same. The owner of each such real property hereby authorizes the necessary portions of its use for purposes of this Agreement, the Service Agreement and the Facility Site Lease Agreement and further agrees that the necessary portions of said properties will not be used for any other purpose during the term of this Agreement, the Service Agreement or Facility Site Lease Agreement without first obtaining the prior written consent of the other party to this Agreement. However, the owner or owners of such real property reserve the right to the use of remaining portions of said real property for present and future uses for purposes not inconsistent with the intent of this Agreement, the Service Agreement, or Facility Site Lease Agreement.

The parties hereto further agree that nothing in this Agreement shall impair, modify, change, alter, amend or otherwise affect any other rights or obligations either party may have which is currently in effect.

6. For the purpose of providing funds for the administration of this Agreement, each of the parties hereto agrees to establish fees and budgets for said purposes during each fiscal year in order to meet their mutual obligations under the Service Agreement, commencing with the 1986-87 fiscal year, and may, if necessary, establish such budgets earlier.

7. The monies budgeted each fiscal year by the parties hereto pursuant to Paragraph 6 above shall be placed in a Special Revenue fund to be

designated as the SOLID WASTE-TO-ENERGY FUND. Except as otherwise provided herein, all monies relating to said fund including but not limited to contributions of CITY and COUNTY and all other revenues generated and/or acquired to meet the mutual obligations of the parties under the Service Agreement, shall be administered by SOLID WASTE-TO-ENERGY staff under direction of the SOLID WASTE-TO-ENERGY EXECUTIVE COMMITTEE.

8. It is expressly agreed by and between the parties hereto that they shall be jointly and severally liable for any and all liabilities for death and personal injuries of any person or persons and for property damages and losses as may arise out of or as may occur in the course of each of the parties obligations with respect to this Agreement and the Service Agreement.

9. The term of this Agreement shall be for the life of the Service Agreement as hereinabove described.

10. The parties to this Agreement acknowledge that their obligations under the Service Agreement are joint and several.

11. This Agreement may be modified and amended at any time by the Mutual Agreement of the parties hereto in writing, provided; however, no such amendment shall affect the obligations of the parties under the Service Agreement.

IN WITNESS WHEREOF, the CITY OF MODESTO, a municipal corporation of the State of California, has caused this Agreement to be executed by its City Manager and attested by its City Clerk under authority of Resolution adopted by the Council of the City of Modesto, and the COUNTY OF STANISLAUS, a body corporate and politic and a political subdivision of the State of California, caused its corporate name to be subscribed by its Chief Administrative Officer and attested by the Clerk of the Board of Supervisors of the County of

Stanislaus, the governing body of the County of Stanislaus, who are thereunto duly authorized by Resolution of said Board.

Dated: 12/19/85

CITY OF MODESTO, a municipal corporation

By _____
GARTH LIPSKY, City Manager

ATTEST:

_____
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

_____
ELWYN L. JOHNSON, City Attorney

COUNTY OF STANISLAUS,
State of California

By _____
REAGAN M. WILSON, Deputy Administrative Officer of the County of Stanislaus, State of California

ATTEST:

_____
BETH MEYERSON MARTINEZ, Clerk of the Board of Supervisors of the County of Stanislaus, State of California

By _____

APPROVED AS TO FORM:

_____
MICHAEL H. KRAUSNICK
County Counsel

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-586

A RESOLUTION TO IMPLEMENT LOCAL GOVERNMENT CONTROL MEASURES IN THE PARTICULATE MATTER-10 PLAN FOR THE SAN JOAQUIN VALLEY

WHEREAS, the San Joaquin Valley Air Pollution Control District (SJVAPCD) has been designated by the Governor of California, as the regional air quality planning agency in the San Joaquin Valley, and

WHEREAS, the Environmental Protection Agency has issued a finding that the San Joaquin Valley nonattainment area has failed to attain the Particulate Matter-10 standard by December 31, 2001, in accordance with the Clean Air Act, and

WHEREAS, the Environmental Protection Agency has indicated that the Particulate Matter-10 Plan is required to include Best Available Control Measures (BACM), and

WHEREAS the Economic Development Committee reviewed this project at its meeting on November 14, 2002,

NOW, THEREFORE, BE IT RESOLVED by the City of Modesto as follows:

SECTION 1. That the Council of the City of Modesto agrees to proceed with a good faith effort to implement the measures identified in Exhibit 1 as Best Available Control Measures for Particulate Matter which are made a part of this resolution.

SECTION 2. That the Council of the City of Modesto commits to implement the measures as scheduled and with the funding sources identified. Recognizing, however, that the availability of necessary funding may depend on the funding programs or

processes of various state and federal agencies, the City agrees to consider modifications of the funding or schedules for implementation actions, if necessary.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael Ulm
MICHAEL D. MILICH, City Attorney

EXHIBIT 1
BEST AVAILABLE CONTROL MEASURES FOR PARTICULATE MATTER

No.	Control Measure	Measure Description	Authorizing Legislation
1	Paving or Stabilizing Unpaved Roads and Alleys	All existing and new streets being used for public right of way shall be paved.	The City of Modesto Standard Specifications adopted by Resolution 2001-560 require that all new streets be paved.
2	Paving, Vegetating and Chemically Stabilizing Unpaved Access Points onto Paved Roads(Especially adjacent to construction/industrial sites)	All City controlled construction sites shall be required to comply with Rule 8041"Carryout and Trackout"	The City of Modesto Standard Specifications adopted by Resolution 2001-560 require compliance with Rule 8041 by reference.
3	Curbing, Paving or Stabilizing Shoulders on Paved Roads(inlcudes painting stripe on outside of travel lane)	All newly constructed roads shall be required to install curbs. Where no curbs exist or it is not practical to construct curbs a paint stripe shall be installed on the outside travel lane.	The City of Modesto Standard Specifications adopted by Resolution 2001-560 require installation of curbs on all new streets.
4	Frequent Routine Sweeping of Paved Roads	All existing streets within the City of Modesto shall be swept at regular intervals.	N/A
5	Intensive street cleaning requirements for industrial paved roads and streets providing industrial/construction sites	All City controlled construction sites shall be required to comply with Rule 8041"Carryout and Trackout". Streets serving industrial sites will be evaluated to determine if additional sweeping is required.	The City of Modesto Standard Specifications adopted by Resolution 2001-560 require compliance with Rule 8041 by reference.
6	Erosion cleanup	In the event that eroded soil is deposited on a public street, the material shall be removed by City crews and the area swept.	N/A

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-587

Print

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT REQUEST FOR BIDS FOR TIRE RECAPPING AND RELATED SERVICES, FOR FY 2002/2003 FOR A THREE (3) YEAR AGREEMENT WITH TWO (2) ONE-YEAR EXTENSION OPTIONS.

WHEREAS, the Operations and Maintenance Department - Fleet Division has requested tire recapping and related services for FY 2002/2003 for a three (3) year agreement with two (2) one-year extension options, and

WHEREAS, the anticipated annual cost for tire recapping and related services is $27,000.00, and

WHEREAS, the average life span of a recapped tire is equivalent to that of a new tire, and

WHEREAS, each year the Operations and Maintenance Department - Fleet Division anticipates recapping approximately 115 tires of various size for its fleet of buses and trucks, and

WHEREAS, the average cost saving of a recapped tire versus the purchase of a new tire is approximately $90.00, and

WHEREAS, the anticipated annual cost savings to the City for tire recapping is approximately $10,350.00, and

WHEREAS, over the life span of a five (5) year agreement the projected savings to the City on recapping tires versus purchasing new tires would be approximately $51,750.00, and

WHEREAS, the Modesto Municipal Code, MMC 8-3.203, generally requires all purchases, which meet or exceed $50,000.00 for material, equipment or contractual services to be formally bid, and

WHEREAS, the cost of these services over the life of the contract will exceed the $50,000.00 threshold,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that formal solicitation of bids for tire recapping and related services is hereby approved as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for tire recapping and related services, for FY 2002/2003 for a three (3) year agreement with two (2) one-year extension options, to be opened in the office of the City Clerk, 1010 10th Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
Michael D. Milich, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-588

Print

A RESOLUTION TO ACCEPT THE "NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM STORMWATER PERMIT – NPDES NO. CAS8083526"

WHEREAS, on November 16, 1990, the Environmental Protection Agency published regulations that required municipalities over 100,000 in population to apply for a National Pollution Discharge Elimination System (NPDES) municipal stormwater permit, and

WHEREAS, the City submitted Part 1 of the Application as required by May 18, 1992, and

WHEREAS, Council Resolution 93-278 directed staff to submit Part 2 of the NPDES Permit Application by May 17, 1993, to the Central Valley Regional Water Quality Control Board, and

WHEREAS, Resolution 98-644 authorized the City to file a Report of Waste Discharge on its municipal stormwater discharge, with the Central Valley Regional Water Control Board (RWQCB) by December 27, 1998, which Report of Waste Discharge was essentially a stormwater permit reapplication, and

WHEREAS, the Report of Waste Discharge must be renewed on a five year basis, and

WHEREAS, City Staff, in conjunction with, Larry Walker Associates, and the Regional Water Quality Control Board (RWQCB) staff worked together to create a Permit that reflects local conditions and addresses water quality concerns of the Modesto Urban Area, and

WHEREAS, the RWQCB schedule did not allow time for the Stormwater Permit to be taken to the full City Council prior to the RWQCB consideration date of October 18, 2002, and

WHEREAS, following staff's presentation and explanation of benefits derived under the new Permit, the RWQCB approved the Permit at its October 18, 2002, meeting, and

WHEREAS, the draft Permit was considered by the Economic Development Committee on October 14, 2002, and recommended approval of the Permit to the full Council, and

WHEREAS, the Economic Development Committee directed staff to accept the Permit as drafted, providing that the City reserve the right to appeal any future negative interpretations of the permit by the RWQCB Staff,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby accepts the NPDES Stormwater Permit No. CAS8083526 prepared for the City of Modesto, a copy of as which is attached hereto as Exhibit A.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
MICHEAL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-589

Print

A RESOLUTION REJECTING BIDS FOR FUEL CARDLOCK SERVICES AND AUTHORIZING RE-BIDDING FOR THE SERVICES.

WHEREAS, the bids received for Fuel Cardlock Services were opened at 11:00 a.m. on May 14, 2002, in the office of the City Clerk, and

WHEREAS, during the bid evaluation process, staff determined that some of the specifications were too restrictive to allow inclusion of all vendors, and

WHEREAS, staff recommends all bids be rejected and the specifications be revised to allow for increased vendor inclusion and a more competitive bidding process, and

WHEREAS, both MMC 8-3.203 and the bid language allow for all bids to rejected,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Fuel Cardlock Services, opened in the office of the City Clerk on May 14, 2002, are hereby rejected.

BE IT FURTHER RESOLVED that request for proposals the fuel cardlock services with modified specifications are hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-590

Print

A RESOLUTION ESTABLISHING POLICIES AND PROCEDURES FOR ACCESSMODESTO.

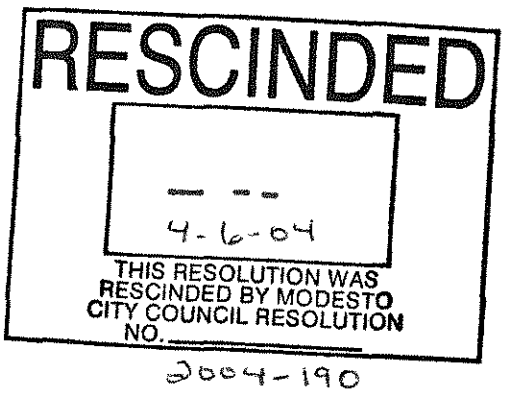
WHEREAS, the City Of Modesto does not have a policy with respect to the use of AccessModesto by the public, and

WHEREAS, the transition of the Public-Education-Government (PEG) operation from AT&T Broadband to the City of Modesto was successfully completed in August and is now fully operational with on-air programming 24 hours a day/seven days a week, and

WHEREAS, this transition is necessary for the playback of programming on all AccessModesto channels, and

WHEREAS, the City Council hereby finds and determines that it is in the public interest for the City Council to adopt a policy with respect to the use of AccessModesto by the public,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that it hereby approves implementation of the attached operating policies and procedures for the continued operation of AccessModesto Cable Television.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-591

Print

A RESOLUTION AMENDING THE FISCAL YEAR 2002-03 ANNUAL BUDGET TO APPROPRIATE FUNDS TO THE CITY MANAGER'S BUDGET FOR THE ESTABLISHMENT OF AN OPERATING BUDGET FOR ACCESSMODESTO.

WHEREAS, Council has approved the City's operation of the Public-Education-Government channels, and

WHEREAS, the need exists to fund an annual operating budget for AccessModesto, and

WHEREAS, the funding exists in the general fund reserves as part of the Cable Settlement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2002-03 Annual Budget is hereby amended to increase the 2002-03 City Manager's Operating Budget by $90,000, as follows:

Transfer from: Acct#0100-800-8000-8003

Transfer to:	Acct#0100-020-0203-0110 (staffing)	$40,000
	Acct#0100-020-0201-various objects	$50,000

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)
APPROVED AS TO FORM:
By: Michael D. Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-592

A RESOLUTION APPROVING A ONE-YEAR AGREEMENT WITH QUALITY VIDEO FOR GRANTED USE OF THE PUBLIC ACCESS CABLE CHANNEL DURNG DEDICATED TIME ALLOCATIONS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME.

WHEREAS, The City of Modesto agrees to grant Quality Video specific time allocations to cablecast a daily program entitled "Central Valley Reports" on the AccessModesto Community Television Public Access Channel, and

WHEREAS, the time slots allocated for "Central Valley Reports" are on Monday through Friday from 7:00 to 7:30 a.m., 12:00 to 12:30 p.m., 6:00 to 6:30 p.m., 7:00 to 7:30 p.m., 10:00 to 10:30 p.m. and 11:00 to 11:30 p.m., and

WHEREAS, the City of Modesto through AccessModesto Community Television reserves the right to pre-empt the 7:00 to 7:30 p.m. program airtime to accommodate other one-hour programming requested 24 hours in advance, and

WHEREAS, Quality Video agrees to provide such program on a format that meets the technical playback requirements of AccessModesto Community Television as set forth in "**Attachment A**," which is attached to this document, and made a part hereof, and

WHEREAS, the City of Modesto desires to approve this agreement for a one (1) year period, and the agreement shall be renewable thereafter at the discretion of the Modesto City Council, and

WHEREAS, Quality Video aggress to provide such program within a timely schedule that meets the technical playback requirements of AccessModesto Community Television, and

WHEREAS, Quality Video shall assume all liability related to all content submitted as part of the Central Valley Reports programs, and shall indemnify and hold harmless the City, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorney's fees, arising out of, or resulting from programming written and/or produced by Quality Vides, and

WHEREAS, Quality Video shall be solely responsible for obtaining the right to use any patented or copyrighted materials in the performance of this Agreement and shall furnish to City a warranty of such right to use at the request of City, and

WHEREAS, Quality Video has not authority or responsibility to exercise any right or power vested in the City, and

WHEREAS, Quality Video, its agents, officers and employees are and, at all times during the terms of this Agreement, shall represent and conduct themselves as independent contractors and not as employees of City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a one-year agreement with QAUALITY VIDEO for granted use of the public access channel during dedicated time allocations.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2002, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich
MICHAEL D. MILICH, City Attorney

accessmodesto
PUBLIC - EDUCATION - GOVERNMENT

Operating Policies & Procedures

I. INTRODUCTION

The City of Modesto regulates the local cable television franchise agreement, which allows the cable company to use public rights of way for their cables and wiring. Within this franchise agreement, provisions are made for Public-Education-Government (PEG) access channels.

These Operating Policies and Procedures set out the rules that govern the operation of the City of Modesto Master Control Room and AccessModesto Cable TV (AMCTV) channels.

These Operating Policies and Procedures will evolve with the growth and development of AccessModesto Cable TV, and the experiences of those who use the channels and Master Control Room facility. AccessModesto Cable TV reserves the right to modify this document at any time.

A. PEG

In the City of Modesto, Channels 2, 8 and 27 on the AT&T Broadband cable system have been set aside for use by members of the public, community organizations, educational institutions, and governmental agencies as the city's community access channels. AccessModesto Cable TV aims to be the nexus that provides the public with the facilities and equipment needed to produce television programs to be shown over these local community channels.

B. Public Access

Public Access means TV for you, by you, and about you. This is television made by you free of censorship (to the extent allowed by law) and free of commercials. Public access allows for varying degrees of an individual's participation. One can participate in Public Access easily by bringing in a previously taped show or by putting a message on the Video Bulletin Board. Future plans include a more hands on approach that will allow citizens to

participate in production workshops, check out equipment, and produce their own television shows.

C. Education & Government Access

The channels are also used to deliver programming produced by educational institutions, as well as agencies of local and state government. This programming is referred to as education and government access and includes coverage of City Council and County Board of Supervisor meetings, information on City and County services, credit and noncredit courses delivered to the home, and special events. Section -- describes how AccessModesto Cable TV will schedule this mix of programs in a way that ensures a good balance of programs.

D. Contact Information

The City of Modesto Communications & Marketing Division manages the city's AccessModesto Cable TV program with assistance from the city's Local Cable Citizen Advisory Committee. Future plans are to implement an independent, nonprofit corporation to oversee the policies and procedures of AccessModesto Cable TV, to enhance the diversity of thought, culture, and heritage within the City of Modesto and Stanislaus County, and to be a communication resource among all the communities in Stanislaus County.

AccessModesto Cable TV
Communications & Marketing Division: (209) 577-5463
Master Control Room (209) 525-5104
Scheduling/Programming
Master Control Room Fax (209) 525-5113
Video Bulletin Board Announcements
http://www.modesto.tv
email: info@modesto.tv

E. Drop-off

Video tapes prepared for airing on the AccessModesto Cable TV channels may be:

- Dropped off at the City Manager's Office, 1010 Tenth Street, Suite 6100, Modesto, California between the hours of Monday through Friday, 8 am – 5 pm.
- Mailed to AccessModesto Cable TV, P.O. Box 642, Modesto, CA 95353, or
- Placed in the drop-box located at the Stanislaus County Office of Education South Door.

A presenter must submit a signed Cablecast Agreement form with each program. Since a tape must be entered into the AccessModesto Cable TV tape database, labeled, and scheduled, an airdate cannot be given at the time of submission. Airdates will be available two to three weeks after a tape has been submitted. Producers submitting episodes of an approved series must deliver the tape and Cablecast Agreement to AccessModesto Cable TV at least seven days prior to their time slot to allow for scheduling, unless other arrangements are agreed upon with the Programming Manager.

Our Purpose

Assisting residents and organizations to communicate ideas and exchange information thorough the medium of community access television.

To accomplish this, we will work toward the following goals:

- Advocate the use and benefits of community access television
- Encourage the cablecasting of non-commercial programs directly related to the community of Modesto and/or Stanislaus County
- Encourage the creation of programs aimed at preserving, developing, and enhancing the diversity of thought, culture, and heritage within Modesto and/or Stanislaus County
- Facilitate lifelong learning and community participation in the democratic process
- Serve as a local information exchange
- Develop cooperative partnerships with Public, Education, and Government individuals and groups to help further the goals of community access
- Monitor and incorporate, to the extent funding is available, the use of emerging technologies that will benefit community access users
- Maintain those cable channels dedicated to public use in a manner that is free of censorship and control of program content, except as necessary to comply with State or Federal law
- Attempt to provide equitable access to community channels by developing and utilizing rules and policies

AccessModesto Cable TV programming is broadcast on Channels 2, 8, and 27 on the AT&T Broadband cable system and is available to all AT&T cable residents in the City of Modesto as part of their basic cable television service.

I. MASTER CONTROL ROOM FACILITY

The City of Modesto Master Control Room is located in the basement of the Stanislaus County Office of Education, 1100 H Street, Modesto, California 95354.

Currently, the AccessModesto Cable TV does not offer production/studio facilities for public access. It is the intent of the City of Modesto to determine the feasibility of providing a Public Access studio. Until then, each producer is responsible for identifying a location for the production of his or her program.

Additionally, producers are fully responsible for signing and obtaining all necessary forms and releases involved in their production. This includes talent releases and music rights. The City of Modesto and AccessModesto Cable TV have no legal liability for clearances that have not been obtained.

Regular Hours of Operation

A. Monday through Friday 10 am – 7 pm for Master Control Room Operation
B. Monday through Saturday as needed for Education/Government programming
C. Saturday and Sunday – Open only for Master Control Room Operation

Technical staff is available on-call 24 hours per day and 365 days per year to oversee the use of the facility and provide technical management as needed. The facility staff will answer any technical questions regarding the equipment. However, it is not the responsibility of staff to serve as crew on any community productions other than those outlined in Section -- of this document.

II. PRODUCERS' RESPONSIBILITIES

1. Application Forms

Forms must be completed for each show that is produced for AccessModesto Cable TV. The forms provide details about the production and serves as a working production tool for both the producer and Master Control Room staff.

a. Application for Access Channel Cablecast
b. Statement of Compliance
c. Indemnification
d. Duplication Process Policy
e. Program/Technical Requirements

2. Tape Duplication

AccessModesto Cable TV recommends that access producers keep possession of their SVHS edit master and submit a good quality SVHS dub for cablecasting which AccessModesto Cable TV will keep. The AccessModesto Cable TV is not responsible for damage to the air tape, under the Statement of Compliance form, which is completed for cablecasting.

3. Dubbing Charges

If producers wish to retain their edit master, they may request that one SVHS tape be dubbed in the Master Control Room to submit for cablecasting at no charge. Producers may also request one VHS tape be dubbed of their public access program in the Master Control Room at no charge. Producers must provide tape stock. Staff will duplicate tapes based on the availability of the equipment. Dubs for cablecasting have

priority over VHS dubs. Additional dubs will be copied by staff for a fee of $20 per tape including the cost of the tape stock.

III. SERVICES PROVIDED

A.Video Bulletin Board

A separate bulletin board appears on each of the Public Access-Education-Government channels in between taped or live programming.

Eligible users may submit messages and announcements to the Video Bulletin Board. Eligible users include bona fide nonprofit agencies, educational, and governmental organizations.

Public Access producers may submit a brief description of their own program with air times for display on the Public Access Bulletin Board.

Messages may be typed or printed on an AccessModesto Cable TV Bulletin Board Form. Messages may be no longer than 100 words, however press release of approximately the same length will be accepted. The information should be submitted 10 days in advance of requested airdate. Cost: Free. Pick up a Bulletin Board Form in the City of Modesto City Manager's Office, online at www.modesto.tv or request one be faxed or mailed to you by calling 525-5104.

IV. PROGRAMMING GUIDELINES

A. Program Content Policy

AccessModesto Cable TV has designed its policies and facility to encourage the broadest possible usage of the cable television community channels, to celebrate the diversity of the community, and to strengthen the sense of community in the City of Modesto and Stanislaus County. AccessModesto Cable TV is committed to being the vehicle for non-commercial programming made by individuals and groups in the City of Modesto. As such, it is the producer or presenter of the program who accepts responsibility for the content, not AccessModesto Cable TV. AccessModesto Cable TV will exercise no control over program content, except that legally, community access programming must not contain:

1. Obscene or indecent matter as defined by the First Amendment to the U.S. Constitution and any applicable case law in the 1992 FCC guidelines.
2. Materials that contain other speech not protected by the Constitution: i.e., speech, which directly results in violence, 'fighting words," and incitement to riot.
3. The direct or indirect presentation of lottery or other information as prohibited by State Law.
4. Political endorsements outside of politically sanctioned debates and/or political advertising material.
5. Advertising material that promotes the sale of commercial products or services or motivates a viewer to contact guests or businesses for additional information. For example: A program with a guest from a business or organization cannot contain a slate that states "For more information call or contact:..." Also, no phone number of a commercial business can be provided to the viewer.

6. The telephone number of certified non-profit organizations may be included as a service to the public. A non-profit may be required to provide documentation of its non-profit status.

7. The direct solicitation of funds or donations for any and all purposes is prohibited. Bona fide nonprofit agencies may appeal for volunteers or publicize fundraising events.

8. Material which constitutes libel, slander, invasion of privacy, or publicity rights, unfair competition, violation of trademark or copyright, or which might violate any local, state, or federal law.

B. Copyright and other Clearances

Users presenting a tape-recorded or live program for cablecast must state in writing that they have made all appropriate arrangements to obtain all rights to materials to be cablecast.

Users shall obtain in writing, the consent of all persons and parental permission for all minors appearing in programs submitted for cablecasting. Sample Talent Release Forms are available online at www.modesto.tv.

C. Minors Submitting Programs

A parent or legal guardian must sign the Cablecast Agreement for each program submitted by a minor. Staff may request copies of all clearances and releases before airing a program.

D. Acknowledgements and Disclaimers

The presenter of a program must be clearly identified on a slate appearing at the beginning and end of each program. The slate must include the presenter's name and address. A phone number is optional. The slate provides the viewer with contact information in case of questions or concerns. (A presenter is a Modesto resident or organization who signs the cablecast

agreement form and submits a show for airing. Presenters are legally responsible for the content of a show. The presenter may or may not be the producer of the program.)

E. Viewer's Discretion

Presenters are required to notify staff if their program contains matter inappropriate for children, or issues of a particularly sensitive nature for which viewer's discretion is advised. An announcement must be included at the beginning of a program to indicate that portions of the upcoming program may contain such materials. Presenters are requested to work with AccessModesto Cable TV staff to appropriately schedule programs of this nature.

F. Ownership

The presenter of any program submitted for cablecasting on any of the AccessModesto Cable TV channels retains copyright ownership of the program. AccessModesto Cable TV reserves the right to retain a copy of the program for later cablecasting on the community channel or for other non-commercial, promotional purpose.

G. Distribution Rights

The producer/presenter retains the rights of distribution for all programs aired on AccessModesto Cable TV channels.

H. Underwriting and Sponsorship

Public Access producers are permitted to seek underwriting and sponsorship for their productions, as long as the support is in direct relation to the cost of program production. Free use of access facilities is not intended for the financial gain or employment of the producer. The producer may give on-air

credit to the person or organization that has given financial or in-kind support for the production or promotion of a program using the following guidelines:

- **Length:** A credit of 30 seconds is given per every 30 minutes of programming. For instance, a half hour show (30 minutes) would get a 30 second slot for crediting sponsors and an hour show (60 minutes) would get one minute (60 seconds) of time for sponsor acknowledgement.
- **Placement:** Credits may be placed at the beginning, middle, and/or end of a show. The credit may be split into any time increment.

However, the total amount of sponsorship credit may not exceed the amount determined by the length of the program. For instance, if you have one sponsor for a 30-minute show, they can use all 30 seconds of the time allotted for sponsorship. However, if you have 2 sponsors for a half hour (30-minute) show, the total amount of sponsorship credit time may not exceed 30 seconds. One sponsor may have 20 seconds, but then the other sponsor can only have 10 seconds.

- **Contents:** A credit may contain:
  - The Company/Person's Name
  - The Company Logo
  - The Company/Person's Address
  - A web site address
  - A qualifying line – A five word description of the business type that can describe the service or product provided by the company.

A credit **MAY NOT** contain

  - A video or photograph of a product
  - A description of services

- A slogan – A slogan is defined by AccessModesto Cable TV as a copyrighted catch phrase associated with a company that is used for marketing purposes
- Phone number of a commercial venture or person
- A promotion of any form for the purchase or use of alcoholic or tobacco products

I. Non-commercial

Companies can sponsor shows:

- Which cover local, public community events relating to their product or service.

Companies cannot sponsor shows:

- About themselves
- Showing their product or service exclusively

V. Programming Publicity

A. Program Schedule

Specific requests for airtimes will be met when possible. Generally, program cablecast requests submitted to AccessModesto Cable TV four (4) weeks prior to the requested airdate will be listed in the TV listings aired on the Public-Education-Government Bulletin Board. The schedule will also appear on the AccessModesto Cable TV website (www.modesto.tv) which is updated weekly.

B. Producer's Promotion

Presenters are encouraged to promote and otherwise encourage viewership for their programs. Presenters can submit program description forms, which will be faxed by the AccessModesto Cable TV staff to media outlets.

C. Cable Guide

The AT&T Broadband Cable Guide is aired daily on AT&T Channel 28. Programming on the AccessModesto Cable TV channels will be submitted each week for this daily listing service.

VI. Program Scheduling Policies

AccessModesto Cable TV's scheduling policies are designed to:

- Provide equitable allocation of available channel time, as determined by our Operating Policies and Procedures
- Give residents, education institution and government agencies of the City of Modesto and Stanislaus County priority in the allocation of airtime on the community access channels.
- Encourage viewership of the community channels
- Maximize opportunities for program promotion

A. General Scheduling

The channels will be scheduled in blocks of time dedicated to Public, Education, and Government programming. The Public Access block is divided into general categories to show a mix of different types of programming throughout the week.

a. **Priority**: To establish priority, the following will be considered:

- Time-dated programs
- Locally-produced programming
- Programs that have not been previously shown on the community channel
- Programs produced by new producers

B. Review

All program schedules are subject to review by the programming staff. No individual may reserve a specific time slot, except with an approved series. The programming schedule appears on the website at www.modesto.tv.

C. Series

Series seasons run quarterly for 12 weeks. There is a one-week break between seasons. Series applications are available to producers in the City Manager's Office, 1010 Tenth Street, Suite 6100; online at www.modesto.tv; or may be requested by fax or mail by calling 525-5104. The awarding of series time slots will be at the discretion of City of Modesto Local Cable Citizen Advisory Committee. Priority will be given to live series and new series programs.

D. New Users and Time Dated Programs

Staff reserves several time slots each week to accommodate programs created by new eligible users and / or time dated programs.

E. Repeats

AccessModesto Cable TV reserve the right to repeat the same show within each programming block period.

F. Sensitive Programs

Programs, which contain material that may be inappropriate for children or deal with issues of a particularly sensitive nature, will be cablecast in accordance with FCC guidelines. It is the program presenter's responsibility to notify AccessModesto Cable TV staff in advance if their program is of a sensitive nature. The presenter is encouraged to work with AccessModesto Cable TV staff to discuss special scheduling, disclaimers, and any other programming issues that may arise from cablecasting sensitive material.

G. Program Submission

A presenter must submit a signed Cablecast Agreement form with each program. Since a tape must be entered into the AccessModesto Cable TV tape

database, labeled, and scheduled, an airdate cannot be given at the time of submission. Airdates will be available two to three weeks after a tape has been submitted. Producers submitting episodes of an approved series must deliver the tape and Cablecast Agreement to AccessModesto Cable TV at least seven days prior to their time slot to allow for scheduling, unless other arrangements are agreed upon with the Programming Manager.

H. Re-submittal of regular programs and series programs

Regular programs will air for up to two years. Upon a program's expiration, AccessModesto Cable TV will act according to the instructions provided by the presenter on the cablecast agreement form. Re-submittals will be considered on a case-by-case basis. Series programs can be resubmitted for up to two more airdates. These additional airdates will be at the discretion of the programming department and will be subordinate to regular submittals and first-time series programs.

I. Failure to Submit Tape

In the case of a series, producers who fail to submit tapes on schedule will risk the loss of their time slots. Staff reserves the right to cancel the series if the producer fails to provide a new show within the agreed upon time frame.

J. Cancellation and Rescheduling

Staff reserves the right to pre-empt the regular schedule as necessary to accommodate date sensitive programs, technical difficulties, or emergency announcements or programming. Staff shall make every effort to reschedule pre-empted programs at the earliest available time slot.

K. Program Length

The recommended length for programming on Access Modesto Cable TV is 28:30 minutes for a half hour show and 58:30 minutes for an hour show. These lengths allow time in-between programs for public service announcements (PSAs), stations identifications, and the interactive bulletin board. PSAs and station ID's are available at AccessModesto Cable TV for producers to tag onto their programs.

L. Exceeding Time Slot

The community channels run several hours in the evenings and weekend by computer automation with a limited amount of VCR's for program playback. AccessModesto Cable TV reserves the right to cut series programming which exceeds its scheduled time slot, unless prior arrangements are made. For example, a half-hour series program should not exceed 30:00 minutes, even by half a second. This could cause the program credits to be cut short, or the next program to start late. Series producers must submit a properly timed program in order to help maintain the schedule and create the best possible appearance of the community channels.

VII. Technical Issues

A. Tape Formats

Acceptable tape formats for cablecasting include DVD, Mini-DV, and DV Cam, SVHS, VHS, 3 / 4" Umatic.

B. Technical Standards

Tape-recorded programs must have technical standards high enough to deliver a clear and unbroken picture to cable subscribers. The audio must be clearly understandable and at audible levels without distortion. Tapes should be

recorded in standard play speed (SP). Tapes recorded in extended play (EP) will not be accepted.

C. Technical Information

a. There must be at least 30 and no more than 90 seconds of black at the head of the tape. Tapes will not be accepted with more than 90 seconds of black before the program. Color bars are not necessary.

b. The black section must be followed by the Viewers Discretion Advisory, if required. The beginning of this Advisory is the beginning of the program.

c. An identification slate, which includes the name and address of the presenter of the program, must then be displayed for at least 10 seconds. . A phone number is optional.

d. The program audio and video should begin within 3 seconds of the end of the presenter's slate.

e. Program credits should appear at the end of the program. Credits should include the name of each crewmember (unless anonymity is requested), and allowable credit to the underwriters/sponsors of the show.

f. Repeat the presenter's slate. The end of this page is the end of the show.

g. The end of the show must be followed by 30 seconds of black.

D. Label Information

The following information must be legibly included on labels affixed to both the videocassette and videocassette box. If the information is not on the label or is unreadable, the tape will not air.

a. Presenter's name, local address, and phone number
b. Program Title
c. Exact length of programs (minutes, seconds, and frames timed from the first frame of the beginning title page to the last frame the end title page)
d. Date (month and year) you are submitting the program

V. INFRACTIONS AND APPEALS PROCESS

A. Violations

Violations of AccessModesto Cable TV's programming policies and rules, or breaches of the Statement of Compliance may subject the offender to immediate forfeiture of the privilege of using the channel, facilities, and services. The Local Cable Citizen Advisory Committee, according to the severity and frequency of the infractions, will determine the duration of the forfeiture. Violations of AccessModesto Cable TV's Operating Policies and Procedures will be documented in writing in the user's file. Details of commercial and content violations can be found in the Rules and Regulations document, which is provided by AccessModesto Cable TV.

B. Appeals Process

If staff imposes sanctions on a user or refuses to cablecast a user's program, the user may appeal to the Local Cable Citizen Advisory Committee for a hearing. The following steps shall be followed for appeals:

1. User first meets with the AccessModesto Cable TV Manager to discuss his/her concern.
2. If the user feels his/her concern has not been resolved, the user must present a written report to the Local Cable Citizen Advisory Committee, which will review and make recommendations to the Modesto City Council.
3. The Modesto City Council may request a public hearing with the user, or may direct the Communications & Marketing Manager to respond to the report.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-593

A RESOLUTION APPROVING THE CONCEPT OF ESTABLISHING A NON-PROFIT ORGANIZATION TO PERFORM ACCESSMODESTO FUNCTIONS.

WHEREAS, the City Council has directed staff to consider organizational options For AccessModesto, and

WHEREAS, creation of an independent, non-profit organization has been identified as the most viable option, and

WHEREAS, AccessModesto is currently under the direction of the City Manager's Office, and

WHEREAS, the Local Cable Programming Committee will provide Council with a thorough analysis of issues, challenges, logistics, and strategic steps involved in the formation of a non-profit organization, and

WHEREAS, staff support from the City Attorney's Office and other appropriate departments will provide legal and other assistance as needed by the Local Cable Programming Committee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the concept of establishing a non-profit organization to perform current and future functions of AccessModesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: _____
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-594

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOP-MENT ZONE, P-D(556) (GRANITE BAY HOLDINGS)

WHEREAS, a verified application for an amendment to Section 10-3-9 of the Zoning Map was filed by Granite Bay Holdings on August 9, 2002, to reclassify from Medium-Density Residential Zone, R-2, to Planned Development Zone, P-D(556) to allow for the development of a 24-unit townhouse project, property located on the southeast corner of Carson Oak Drive and Bridgewood Way, described as follows:

R-2 to P-D(556)

All that certain real property situated in a portion of the Northeast quarter of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying within the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

"Parcel 3" as shown and designated on that certain Parcel Map filed in the Office of the County Recorder of Stanislaus County, California, on September 24, 1979 in book 29 of Parcel Maps, at page 100;

Including the Southerly one-half of Bridgewood Way and the Easterly one-half of Carson Oak Drive.

WHEREAS, after a public hearing held on October 21, 2002, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2002-45, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed townhouses are at a residential density permitted within the existing zoning.

2. Residential uses are compatible with the adjacent land uses along Carson Oak Drive and Bridgewood Way.

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 26, 2002, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Granite Bay Holdings for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2002-45 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3274-C.S. on the 26th day of November, 2002, reclassifying the above-described property from Medium-Density Residential Zone, R-2, to Planned Development Zone, P-D(556).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(556), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and elevations titled "Two-Story Townhouse Units" as amended in red, stamped approved by the Planning Commission on October 21, 2002.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks, Recreation and Neighborhoods Director for the front-yard area, which is demarcated on the site plan as the area between the street right-of-ways and the dashed line on the street-facing side of each dwelling unit. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. Prior to the issuance of a building permit, dedication consistent with Standard Specifications shall be made of all interior street right of way and all necessary easements, as shown on the tentative map.

6. Prior to issuance of a building permit, plans showing the following improvements shall be prepared by a Registered Civil Engineer and approved by the Engineering and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

   a. Full street improvements for the proposed cul-de-sac in accordance with Standard Specifications.

   b. Reconstruct the existing curb ramp at the corner of Bridgewood Way and Carson Oak Drive in accordance with City Standards.

7. Prior to occupancy of any building, irrigation, electrical, gas and domestic water lines shall be removed, relocated, or protected as required by the Engineering and Transportation Director and/or the utility companies, and easements for utility lines to remain shall be dedicated.

8. All existing street and property monuments within or abutting this project site shall be preserved. If, during construction of on-site or off-site improvements, monuments are damaged or destroyed, the applicant/developer shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per City Standards and file the necessary information with the County Recorder's Office as required by AB1414.

9. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

10. Ten-foot public utility easements, and planting easements located within the ten-foot public utility easements, shall be dedicated along all street frontages as required by the Engineering and Transportation Director.

11. Prior to City Council approval of a final subdivision map the subdivider shall submit for approval by the City Attorney the articles of incorporation and bylaws, as well as all covenants, conditions, and restrictions which are to be recorded to create a Homeowner's Association which shall guarantee continued maintenance of the front-yard area, which is demarcated on the site plan as the area between the street right-of-ways and the dashed line on the street-facing side of each dwelling unit. The Articles of Incorporation shall be filed with the Secretary of State prior to recordation of the final subdivision map. The covenants, condi-tions and restrictions shall be recorded prior to or concurrently with the final subdivision map.

12. All utilities shall be underground and cable television service shall be stubbed into all units.

13. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

14. The developer shall implement pre- and post-construction best management practices (BMPs) to minimize pollutants entering the storm system.

15. Prior to the issuance of a building permit, the developer shall submit a plan for approval by the Operations and Maintenance Director to provide on-site treatment of storm water in accordance with the guidance manual for new development

    stormwater quality control measures. Storm drain improvements shall be constructed in accordance with the approved plans.

16. Prior to issuance of a Certificate of Occupancy, the applicant shall enroll and participate in the City's Crime-Free Multi-Family Housing Program as adminis-tered by the Modesto Police Department.

17. Prior to issuance of a Certificate of Occupancy, an eight-foot-high decorative masonry wall shall be installed on the east side of the property.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(556):

> The entire construction program be accomplished in one phase, construction to begin on or before October 21, 2004, and completion to be not later than October 21, 2005.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict

adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(556), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2002, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Frohman
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO LEGAL DESCRIPTION:

By _____
Community & Economic Development Department
Planning Division

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-595

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDMENT TO SECTION 10-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2,TO PLANNED DEVELOPMENT ZONE, P-D(556), PROPERTY LOCATED ON THE SOUTHEAST CORNER OF CARSON OAK DRIVE AND BRIDGEWOOD WAY (GRANITE BAY HOLDINGS)

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Granite Bay Holdings has proposed that the zoning designation for the property on the southeast corner of Carson Oak Drive and Bridgewood Way be amended to rezone from Medium-Density Residential, R-2, to Planned Development Zone, P-D(556), in the City of Modesto, ("the project") to allow for a 24-unit townhouse subdivision, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2002-53, ("Initial Study") reviewed the proposed amendment to Zoning Map and rezone to P-D(556) project to determine

whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, ("Master EIR") which concluded that the proposed project is within the scope of the Master EIR and will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines the City caused to be published a notice of the City's intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on November 26, 2002, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone from P-D(556) project, a copy of which is attached hereto as **Exhibit "A"**, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR.
2. That the project will have no new significant effects on the environment not identified or examined in the Master EIR, and no new or additional mitigation measures are required.

3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

4. There are no substanstial changes proposed in the project which will require revisions to the Master EIR.

5. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Master EIR.

6. No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.

7. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.

8. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

9. The Initial Sudy, Environmental Assessment No. EA/C&ED 2002-53 provides the substantial evidence to support the above findings.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2002, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Frohman
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By:
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2002-53

City of Modesto
Initial Study

Granite Bay's "Modesto Villas" P-D
EA/CDD 2002-53
September 24, 2002

I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:
Modesto Villas Planned Development Zone Rezoning

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:
Josh Bridegroom, Community Development Department, (209) 571-5540

A. Project Location:
Southeast Corner of Carson Oak Drive and Bridgewood Way

E. Project Sponsor:
Granite Bay Holdings, 4230 Douglas Blvd. Suite 100, Granite Bay, California

F. General Plan Designation:
Mixed Use

G. Current Zoning:
Medium Density Residential (R-2)

H. Description of Proposed Project:
This is an application to rezone 2.19 acres located on the southeast corner of Carson Oak Drive and Bridgewood Way from R-2 (Medium Density Residential) to P-D (Planned Development) to allow for the development of a twenty-four-unit townhouse project. The proposed project would be a total of twelve buildings, two-units each, ranging in size from approximately 1,400 to 1,800 square feet per unit. A cul-de-sac accessing Carson Oak Drive is also proposed in conjunction with this project.

I. Surrounding land uses:
The project is surrounded by single family residential to the north and west, the northeast Modesto Police Department Substation to the east and a mini-storage facility to the south

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

A. Traffic and Circulation

The General Plan designates the project site as mixed use. The project is consistent with this designation in land use and intensity and will therefore not generate traffic greater than projected by the MEIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are still valid.

B. Degradation of Air Quality

The air quality impacts for this abandonment are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this development will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are therefore still valid.

C. Generation of Noise

The General Plan MEIR assumed that there would be further development and thus, noise generation within the Baseline Developed Area. Therefore, the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.

D. Loss of Productive Agricultural Land

This area is located in an urbanized portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. Increased Demand for Water Supplies

The General Plan MEIR assumed that there would be further development and thus, increased demand for Water Supplies within the Baseline Developed Area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are therefore still valid.

F. Increased Demand for Sanitary Sewer Services

The General Plan MEIR assumed that there would be further development and thus, increased demand for Sanitary Sewer Services within the Baseline Developed Area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The project is located in a built-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. Therefore, the Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

H. Disturbance of Archaeological and Historic Sites

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

I. Drainage, Flooding and Water Quality

The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the Baseline Developed Area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are still valid.

J. Increased Demand for Storm Drainage

The proposed project will be required to provide for on-site treatment of storm drainage in accordance with City standards. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are still valid.

K. Increased Demand for Parks and Open Space

The MEIR concluded that demand for parks and open space would be mitigated through the payment of Capital Facilities Fees (CFF) for new development, which would be used for the development of new parks. Since the City's CFF program applies to this project,

the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are still valid.

L. Increased Demand for Schools

The effected school districts have been notified of the proposed development and have no objection to the proposal. The approval will be conditioned to ensure that the appropriate school impact fees will be collected from this development. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are still valid.

M. Increased Demand for Police Services

The General Plan MEIR assumed that there would be further development and thus, increased demand for police services within the Baseline Developed Area. Beyond this, the Modesto Police Department has not indicated any problems with the proposed expansion. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are still valid.

N. Increased Demand for Fire Services

The General Plan MEIR assumed that there would be further development and thus, increased demand for fire services within the Baseline Developed Area. The proposed project is consistent with the General Plan in terms of land use and intensity and will be required to meet all relevant fire codes. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are still valid.

O. Generation of Solid Waste

The General Plan MEIR assumed that there would be further development and thus, increased generation of solid waste within the Baseline Developed Area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10) are still valid.

P. Generation of Hazardous Materials

The General Plan MEIR assumed that there would be further development and thus, increased generation of hazardous materials within the Baseline Developed Area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are still valid.

Q. Landslides and Seismic Activity

This project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are therefore still valid.

R. Energy

The proposed townhouse development will generate some additional demand for energy. However, the General Plan MEIR assumed that there would be further development and thus, increased demand for energy within the Baseline Developed Area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed project is within the scope of the General Plan Master EIR (SCH No. 92052017).

B. No additional significant environmental effects will occur as a result of the proposed project that were not previously examined in the General Plan Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed project that were not previously considered in the General Plan Master EIR.

D. There are not specific features unique to this project that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.

E. This initial study provides substantial evidence to support findings A, B, C, and D above.

Signature:

Josh Bridegroom,
Assistant Planner

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-596

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE FAIRVIEW VILLAGE SPECIFIC PLAN FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT (SCH NO. 95032006): FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND NORMAN GALAS, JUNE GALAS, STANLEY GALAS, BONNIE K. GALAS AND DEL VALLE CAPITAL CORPORATION, INC.

WHEREAS, on December 12, 1995, by Resolution No. 95-587, the City Council of the City of Modesto certified the Final Focused Environmental Impact Report ("FEIR") (SCH 95032006) for the Fairview Village Specific Plan, and

WHEREAS, Del Valle Capital Corporation, Inc. has applied for a First Amendment to the Development Agreement for the Galas Brothers vesting tentative subdivision map located in the Fairview Village Specific Plan, to extend the life of the vesting tentative subdivision map to June 30, 2003, and containing provisions related to the provision of affordable and accessible housing and infrastructure master planning, and

WHEREAS, on September 16, 1997, the Council introduced Ordinance No. 3061-C.S., which approved a development agreement between the City of Modesto and Norman Galas for City sewer service, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community & Economic Development Department by Environmental Assessment Initial Study No. EA/C&ED 2002-59 reviewed the proposed project to determine whether the project is within the scope of the Fairview Specific Plan EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on November 26, 2002, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/C&ED 2002-59, a copy of which is attached hereto as **Exhibit "A"** and incorporated herein by reference, and based on the substantantial evidence included in said Initial Study for the proposed project,makes the following findings:

1. As per Section 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Fairview Village Focused EIR (SCH No. 95032006) and no new environmental document or findings are required by CEQA.

2. There are no substantial changes proposed in the project which will require major revisions of the Fairview Village Focused EIR.

3. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Fairview Village Focused EIR.

4. No new information of substantial importance, which was not known and could not have been known at the time the Fairview Village Focused EIR was certified as complete, has become available.

5. The Initial Study, Environmental Assessment EA/C&ED 2002-59, provides the substantial evidence to support findings 1-4.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community and Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 for the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Frohman
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

INITIAL STUDY

EA/C&ED NO. 2002-59

City of Modesto
Initial Study

First Amendment to Development Agreement Between the City of Modesto and Norman Galas, June Galas, Stanley Galas, Bonnie K. Galas and Del Valle Capital Corporation, Inc.

EA/CDD 2002-59
October 30, 2002

I. PURPOSE

On December 12, 1995, the Modesto City Council certified the Final Focused Environmental Impact Report for the Fairview Village Specific Plan (SCH# 95032006). This Final Focused EIR analyzed the impacts of build-out of the Fairview Village Specific Plan, which includes the area in which this project is proposed.

Section 15182 of the CEQA Guidelines allows the Fairview Village Specific Plan Final Focused EIR to be used for subsequent projects, if the following findings can be made:

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.

B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The purpose of this Initial Study is to provide the substantial evidence for the above findings.

II. PROJECT DESCRIPTION

A. Project title:
First Amendment to Development Agreement Between the City of Modesto and Norman Galas, June Galas, Stanley Galas, Bonnie K. Galas and Del Valle Capital Corporation, Inc.

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:
Steve Mitchell, Community Development Department, (209) 577-5287

D. Project Location:
The south side of Hatch Road west of Dezzani Lane and Ironside Drive.

E. Project Sponsor:
Del Valle Capital Corporation, 1012 Tenth Street, Modesto, CA 95354

F. General Plan Designation:
Village Residential (VR)

G. Current Zoning:
Specific Plan-Overlay (SP-O) Zone

H. Description of Proposed Project:
This is an amendment to the development agreement for the Galas Brothers vesting tentative subdivision map. The purpose of the development agreement is to extend the life of the tentative map to June 30, 2003, to provide a commitment to make available a percentage of the houses to low and moderate income families, and to provide a commitment to do storm drainage master planning.

I. Surrounding land uses:
The project is surrounded on the north by existing ranchettes, to the east by existing single-family homes, and to the south and west by agricultural land designated in the Specific Plan for residential development.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Fairview Village Specific Plan Final Focused EIR:

1. Traffic and Circulation Needs

Impacts to traffic and circulation are discussed on pages 18 through 42 of the Fairview Village Specific Plan Final Focused EIR. The approved subdivision is consistent with the Fairview Village Specific Plan in land use and intensity, and will have access to adjacent streets consistent with the Specific Plan. This development agreement will not affect the traffic and circulation design of the subdivision. Therefore, the traffic generation from this development is consistent with the assumptions in the EIR, and there would be no change needed to this section of the EIR.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages 43 through 47 of the Fairview Village Specific Plan Final Focused EIR. Air quality impacts are directly related to traffic impacts for this project, as automobile exhaust emissions account for the vast majority of impacts to air quality in a residential development. Since the traffic impacts are consistent with those analyzed in the EIR, the air quality impacts are also consistent with those analyzed in the EIR.

3. Noise

Noise impacts are analyzed on pages 48 through 54 of the Fairview Village Specific Plan Focused EIR. The Galas Brothers subdivision is consistent with the Fairview Village Specific Plan in land use and intensity, and will have sound a wall along Hatch Road. The development agreement does not affect the land use, intensity or layout of the subdivision. Therefore, there would be no change needed to this section of the EIR.

4. Loss of Productive Agricultural Land

Loss of productive agricultural land is analyzed on pages 55 through 59 of the Fairview Village Specific Plan Focused EIR. The Galas Brothers subdivision is consistent with the Specific Plan in land use and intensity. Therefore, there would be no additional impacts to agricultural land with this development agreement, and no change needed to this section of the EIR.

5. Loss of Sensitive Wildlife and Plant Habitat

Impacts to sensitive wildlife and plant habitat are analyzed on pages 60 through 64 of the Fairview Village Specific Plan Focused EIR. The subdivision is consistent with the Specific Plan in land use, intensity and physical location. Therefore, there would be no additional impacts to sensitive wildlife and plant habitat with this development agreement, and no change needed to this section of the EIR.

6. Disturbance of Archaeological or Historical Sites

Impacts to cultural resources are analyzed on pages 65 through 68 of the Fairview Village Specific Plan Focused EIR. The subdivision is consistent with the Specific Plan in land use, intensity and physical location. Therefore, there would be no additional impacts to cultural resources with this development agreement, and no change needed to this section of the EIR.

7. Increased Demand for Schools

Demand for schools is analyzed on pages 69 through 73 of the Fairview Village Specific Plan Focused EIR. It concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, this conclusion remains valid, and no changes are needed to this section of the EIR.

8. Generation of Hazardous Materials

Generation of hazardous materials is analyzed on pages 74 through 76 of the Fairview Village Specific Plan Focused EIR. The subdivision is consistent with the Specific Plan in land use and intensity. Because this development agreement would not affect the land use and intensity of the subdivision, no changes are needed to this section of the EIR.

B. <u>No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report</u>

The Fairview Village Specific Plan Focused EIR was certified by the Modesto City Council on

December 12, 1995. In the period since then, there has been no significant development in the surrounding area, and physical conditions affecting the subdivision have not changed significantly since then. Therefore, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Fairview Village Specific Plan Focused EIR or General Plan Master EIR.

C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available

The Fairview Village Specific Plan Focused EIR was certified by the Modesto City Council on December 12, 1995. Since then, there is no new information, which was not known at the time the Fairview Village Specific Plan Focused EIR was certified, has become available, that would change the conclusions of the EIR.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Fairview Village Specific Plan Focused EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Fairview Village Specific Plan Focused EIR.

C. No new information, which was not known and could not have been known at the time the Fairview Village Specific Plan Focused EIR was certified as complete, has become available.

D. This initial study provides substantial evidence to support findings A, B and C, above.

Signature:

Steve Mitchell

Steve Mitchell,
Principal Planner

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-597

Print

A RESOLUTION APPROVING AN ACCOUNTING TRANSACTION ADJUSTMENT MOVING $500,000, PLUS INTEREST, FROM THE PARKING FUND TO THE TENTH STREET PLACE REDEVELOPMENT AGENCY ACCOUNT

WHEREAS, based on documentation that went before the 1997-98 Council, the existing RDA staff believed that the RDA had excess money after all land sales and relocations, and

WHEREAS, in the 1998-99 budget, the City Council accepted a recommendation to reallocate $100,000 to the Police Building, $100,000 to the 911 communication center and $500,000 to the Parking Fund, and

WHEREAS, upon closer review of the process, a final step was needed for the $500,000, requiring an amendment to the original lease, and

WHEREAS, staff is recommending making a correcting transaction, moving the $500,000, plus interest, back into the RDA share of the Tenth Street Place account, and

WHEREAS, once the capital project close out process is complete, a decision can be made as to how these funds should be reallocated, and

WHEREAS, the Finance Committee reviewed the staff report on October 28, 2002, and agreed with Staff's recommendations to make a correcting transaction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to make a correcting transaction, moving the $500,000, plus interest, from the Parking Fund, to the Tenth Street Place Redevelopment Agency account.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto the 26th of November, 2002 by Councilmember Jackman, who moved its adoption, which motion was duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Keating
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-598

A RESOLUTION APPROVING A TRAFFIC-CALMING PLAN FOR THE ENCINA/LA LOMA AREA NEIGHBORHOOD AND AUTHORIZING STAFF TO PROCEED WITH PLANS FOR IMPLEMENTATION AND INSTALLATION OF PHASE 1 OF THE TRAFFIC-CALMING PLAN

WHEREAS, on April 29, 2002, the City of Modesto Planning Division received a subdivision map application for the vacant property at the northeast corner of Conejo and Julian Avenues, and

WHEREAS, as a result of this proposed subdivision, Traffic Engineering staff requested the connection of Encina Avenue to the east of Conejo along the MID easement, and

WHEREAS, due to the controversy surrounding this issue, neighborhood meetings were held, and

WHEREAS, the first neighborhood meeting was held on June 26, 2002, at the La Loma Junior High School to discuss the proposed Mira Loma subdivision, and at this meeting, several residents expressed concern about traffic speeding throughout the neighborhood, and

WHEREAS, as part of the planning process for the development of the Traffic-Calming Plan, City staff met several times with the Encina/La Loma area neighborhood residents to gain input, and

WHEREAS, in response, Traffic Staff has produced a Traffic-Calming Plan (TCP) for the Encina/La Loma Neighborhood which includes the area bounded by Miller Avenue to the south, east Edgebrook to the north, El Vista to the east, and La Loma Avenue as the west boundary. Existing traffic volumes and reported collisions on all street segments and intersections in this boundary area were considered in developing the Encina/La Loma Neighborhood TCP, a copy of which is attached hereto as Exhibit "A", and

RESCINDED
8-6-03
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2003-432

WHEREAS, for the October 16 meeting, a notice was sent to approximately 1750 Encina/La Loma area residents south of Edgebrook, north of Yosemite, west of El Vista, and east of La Loma, and

WHEREAS, on November 14, 2002, the Economic Development Committee recommended approval of the proposed Traffic-Calming Plan and authorized staff to seek approval of the Traffic-Calming Plan from the City Council, and

WHEREAS, following a public hearing on November 18, 2002, regarding the proposed Traffic-Calming Plan, the Planning Commission recommended adoption of the Traffic-Calming Plan, and

WHEREAS, the City Council reviewed and considered the draft Traffic-Calming Plan on November 26, 2002.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves proceeding with the implementation of Encina/La Loma Neighborhood Traffic-Calming Plan.

BE IT FURTHER RESOLVED that the Council hereby authorizes staff to proceed with plans for implementation and installation of Phase 1 of the Traffic-Calming Plan with the deletion of the proposed roundabout at Encina and Las Palmas.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on 26th of November, 2002 by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Conrad
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

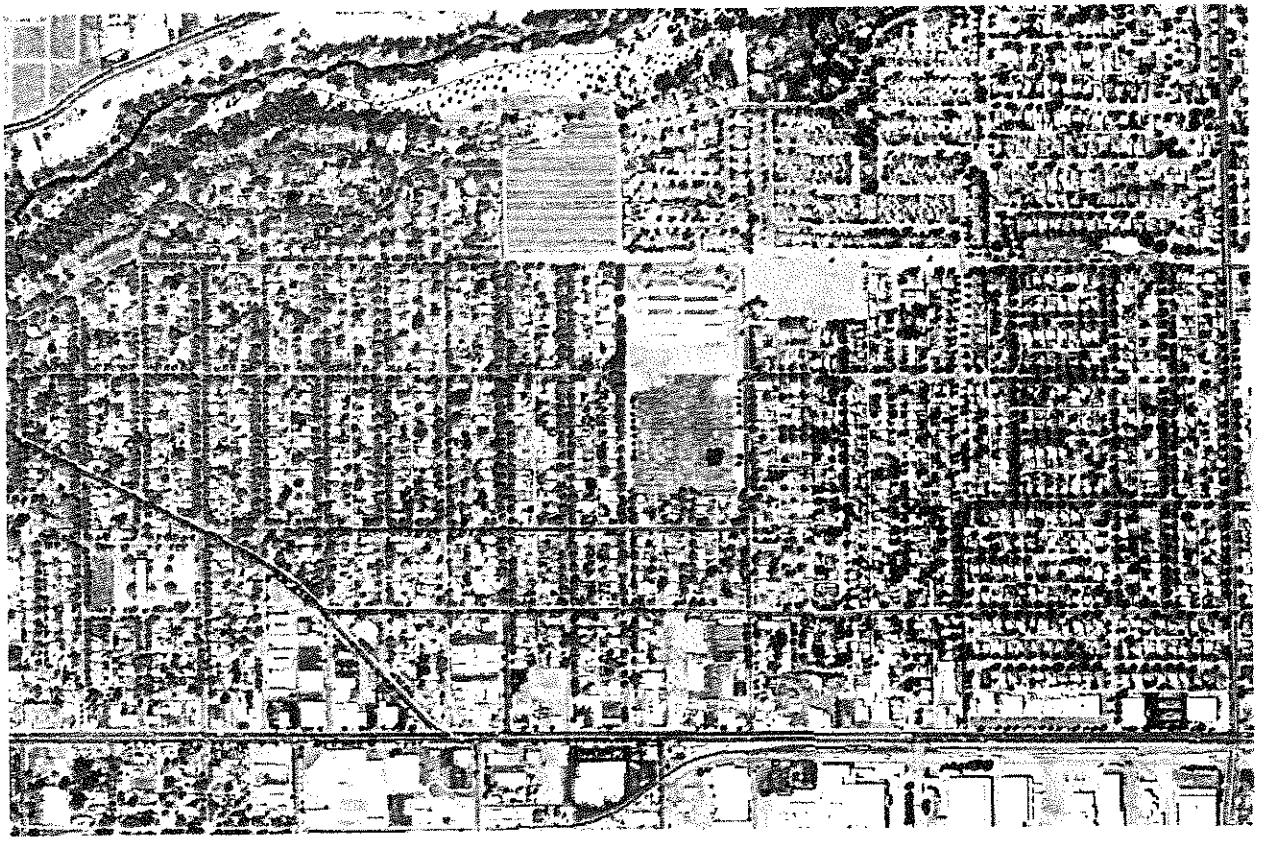
APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

ATTACHMENT 1

ENCINA/LA LOMA NEIGHBORHOOD TRAFFIC CALMING PLAN REPORT



NOVEMBER 14, 2002

Engineering & Transportation Department

City of Modesto

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INTRODUCTION

On April 29, 2002, the City of Modesto Planning Division received a subdivision map application for the Mira Loma Subdivision project (vacant property at the northeast corner of Conejo and Julian Avenues). As a result of this proposed subdivision, Traffic Engineering staff requested the connection of Encina Avenue to the east of Conejo along the MID easement. Currently, Encina Avenue terminates at Conejo Avenue immediately northeast of La Loma Junior High School.

Due to the controversy surrounding this issue, neighborhood meetings were held. Neighborhood residents involved believe that there is a speeding problem in the La Loma area that needs to be addressed regardless of the outcome of the development application for the Mira Loma Subdivision.

The purpose of this report is to address the traffic calming needs of the Encina/La Loma area.

NEIGHBORHOOD CONDITIONS

The proposed Encina/La Loma Neighborhood Traffic-Calming Plan (TCP) includes the area bounded by Miller Avenue to the south, east Edgebrook and Encina to the north, El Vista to the east, and La Loma Avenue as the west boundary (as shown in Figure 1 below).

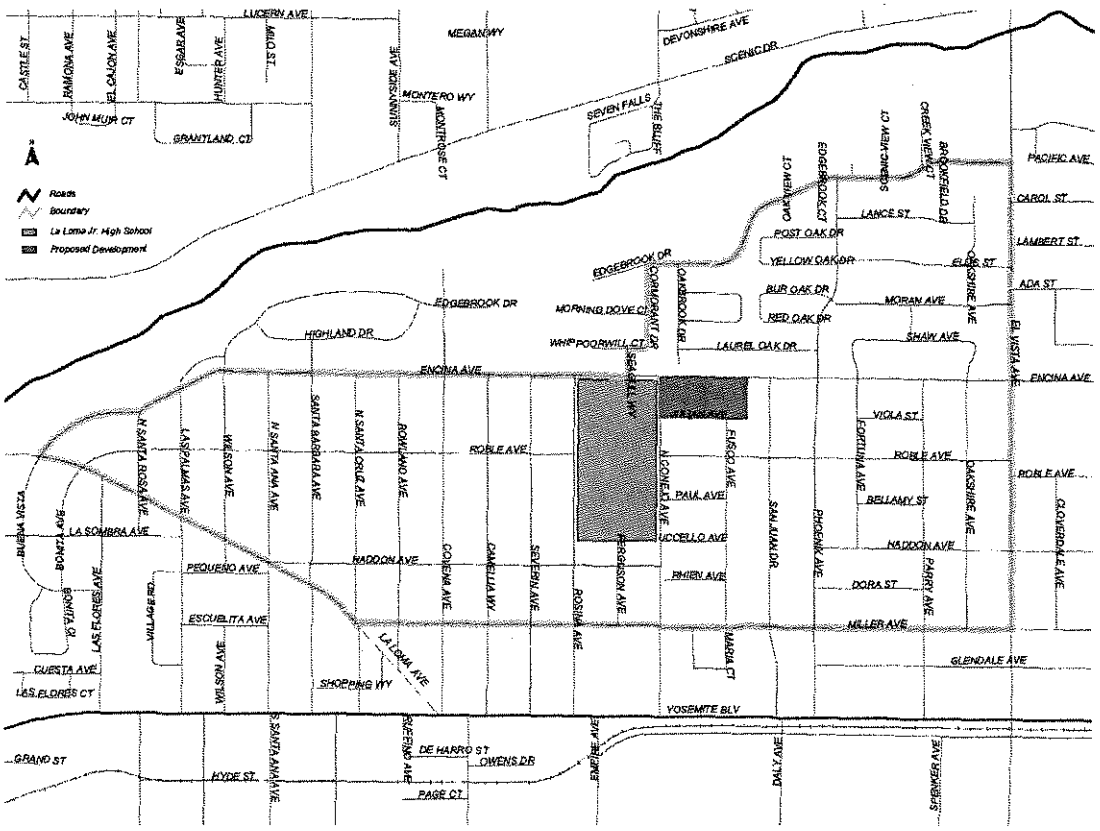


Figure 1: Map showing boundaries of the Encina/La Loma Neighborhood.

The Encina/La Loma Neighborhood primarily consists of single family residential and some multi-family residential. Construction of certain streets within the La Loma area neighborhood occurred prior to its annexation within the City. While some of the development occurred after City annexation, the older standards of that day are rendered obsolete and have been updated. Therefore the streets and sidewalks within this neighborhood do not meet the current City Standards. Because of this, many streets are narrower than current City Standards and lack sidewalks, thus forcing children to walk in the roadway. Figure-2 below shows students walking south on Rosina, behind the children in this picture is a car heading northbound.

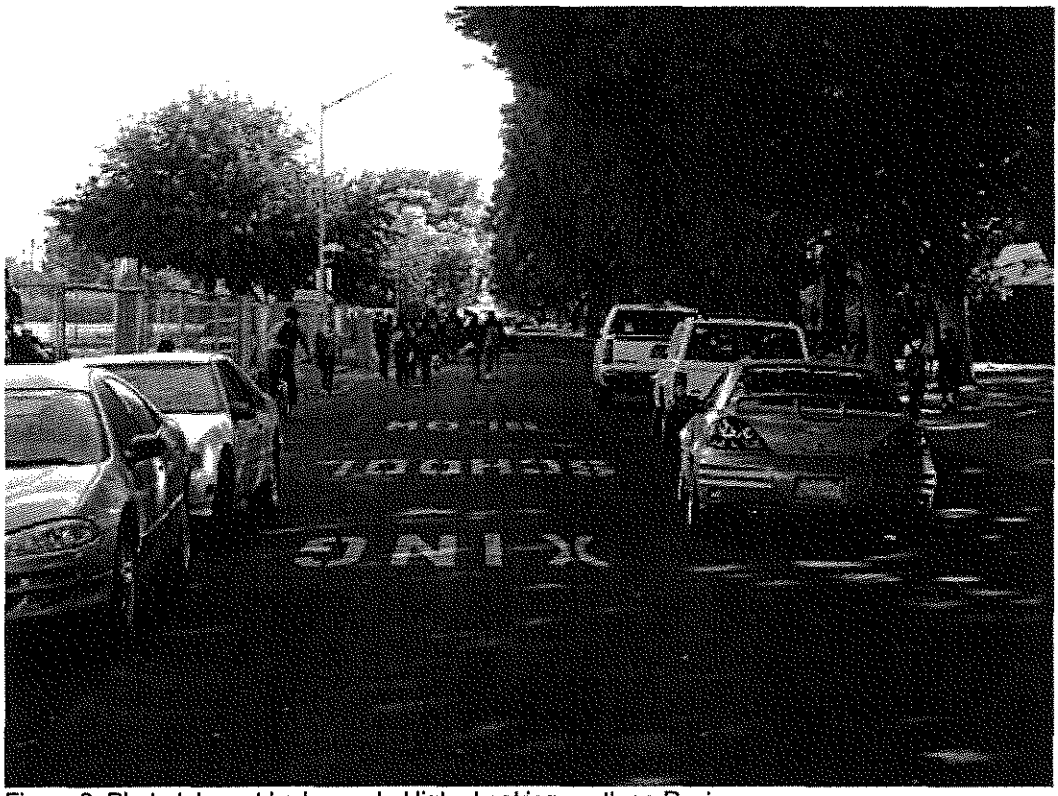


Figure 2: Photo taken at La Loma Jr. High. Looking south on Rosina.

Schools in the Neighborhood

There are two schools in the Encina/La Loma Neighborhood, La Loma Junior High School, and Wilson Elementary School.

La Loma Junior High School fronts Encina Avenue between Rosina and Conejo and was built around 50 years ago. Approximately 1050 students attend this school, between the ages 12 and 14 (grades 7-8). Students attending La Loma Jr. High come from an area bordered by McHenry, Briggsmore, Riverside/Lakewood, and south to the river. It draws students from the following elementary schools:

- Orville Wright Elementary School
- Wilson Elementary School
- El Vista Elementary School
- Lakewood Elementary School
- Sonoma Elementary School
- Rose Avenue Elementary School
- John Muir Elementary School

According to the administration of La Loma Jr. High, busing is available for students who live more than 1½ miles from school. Currently, there are 6 buses each day that shuttle students to and from the Jr. High school. Busing is unavailable for students south of the La Loma Jr. High school, and therefore most students from this area must either walk, ride bicycles, or are dropped off by car. The schools administration explained that drop-off and pick-up congestion is a serious problem during the AM and afternoon peak periods, and it that frequently results in gridlock.

Wilson Elementary School was built in 1972, and is approximately 30 years old. It is located south of La Loma and west of Santa Ana. Currently there is an approximate enrollment of 396 students comprised of 50 preschool students (ages 3 ½-4) and 346 students in grades K-6. Students attending Wilson Elementary School come from an irregularly bordered area of Edgebrook to the north, South Santa Cruz to the south, the downtown area (9th Street) to the west, and Rosina to the east.

Currently, there is only one school bus serving Wilson Elementary School each day. Due to the young age of the students attending this school, most children are dropped off and picked up by their parents. Drop-off and pick-up congestion is a concern for the school administration, particularly with parents stopping in the middle of the roadway or calling their children across Pequeno and Santa Ana Avenues.

TRAFFIC CONDITIONS

To better understand the traffic conditions in the Encina/La Loma area staff conducted an analysis based on neighborhood existing and projected traffic volumes, traffic patterns, traffic speeds, and traffic collision data. Traffic Engineering staff developed the proposed Traffic Calming Plan (TCP) for the Encina/La Loma area neighborhoods using this data. Following are our findings of the traffic conditions:

Traffic Volumes

Using the City Traffic Model, Traffic staff projected the future traffic based on two options, 1) Encina connected, and 2) Encina left unconnected. Staff used these projections as a basis for the creation of the proposed TCP. The existing and projected volumes are shown in Exhibits 1-3. From the exhibits, traffic on streets such as Roble and Conejo is going to increase. In Exhibit 2, traffic is projected with Encina connected. With the connection, Encina will see an increase of traffic from 22% to 192% in certain sections. Without Encina connected, Roble will increase as much as 370% in one section and 8% in another, Haddon, Miller, and La Loma will all see increases.

Traffic Patterns

Currently, Encina Avenue terminates at Conejo Avenue immediately northeast of La Loma Junior High School. There is a missing segment of roadway between this point and Phoenix Avenue to the east.

Because of this gap, traffic coming from the area must zigzag through numerous residential streets that were not designed for this function. This traffic flow pattern has been in operation for many years.

Residents who live east of El Vista use a circuitous route to drop children off at schools, or to get to and from work, shopping, and entertainment (movies) in the downtown area.

Traffic Speeds and Accident Analysis

The community meetings made it apparent that speeding was a major concern for the neighborhood. According to the Modesto Police Department, since January 1, 2002 to November 1, 2002, there have been 80 speeding citations issued on Encina Avenue alone.

Staff compared various intersections in the Encina/La Loma Neighborhood and reviewed their three-year collision data. Currently, the Edgebrook/El Vista intersection is controlled with stop signs on both sides of Edgebrook stopping on El Vista. Due to the close proximity of the Encina/El Vista intersection with the Edgebrook/El Vista, Edgebrook is not planned for a signal. The accident analysis at Edgebrook shows that the collision rate at Edgebrook and El Vista is above average. Primary movements involved in the collision patterns are the left turn movements in and out of Edgebrook.

At Encina and El Vista, similar types of collisions also exist. The proposed TCP includes the addition of a left-turn phase off of El Vista at Encina. With the addition of a left-turn phase on El Vista at Encina, the safety of the left turning traffic movement through this intersection will improve. Exhibits 4 & 5 show the collision diagrams for the El Vista/Encina and El Vista/Edgebrook intersections.

COMMUNITY INPUT

The neighbors requested staff to evaluate potential traffic calming measures for various streets in their neighborhood. Staff has successfully worked with neighborhoods in the past to jointly create viable traffic calming measures rather than making a unilateral staff proposal. City staff worked with the Encina/La Loma area neighborhoods in evaluating various traffic-calming measures tailored for specific intersections and street sections, and jointly developed a Traffic Calming Plan (TCP).

As part of the planning process for the development of the traffic-calming plan, City staff met several times with the Encina/La Loma area neighborhood residents to gain input. Following are the dates the meetings occurred.

- The first neighborhood meeting was held on June 26, 2002, at the La Loma Junior High School. There were over 200 residents in attendance.

- Staff's recommendation at the August 26 Planning Commission meeting was to connect Encina through. At that meeting, the Planning Commission saw a need for alternative plans and denied the application.

- Subsequent to the Planning Commission Meeting, staff met with the La Loma area neighborhoods.

- On September 16, at their request, we met with a group of Encina representatives. At this meeting, the group expressed concerns that traffic speeding was already prevalent throughout the neighborhood. They felt that speeding problems would be exacerbated with any connection of Encina. The residents requested a comprehensive traffic-claming plan for the neighborhood.

- On September 30, we met with the same group of neighborhood representatives, as well as the residents of Julian Avenue. We specifically added Julian Avenue residents because we

knew there would be impacts on Julian Avenue based upon the new application by the developer.

- For the October 16 meeting, a notice was sent to approximately 1750 La Loma area residents south of Edgebrook, north of Yosemite, west of El Vista, and east of La Loma. Fifty people attended this meeting.

Following are the concerns and comments expressed by residents at the neighborhood meetings:

- Traffic speeds
- Quality of life for existing homeowners – this is a special, unique neighborhood
- Safety of school children (proximity to La Loma Junior High School), pedestrians, and bicyclists
- Noise generated by additional traffic
- La Loma Bridge is already a bottleneck. Connecting Encina will increase traffic in the area, creating a bigger bottleneck.
- Scenic and Yosemite are four lane roads leading into/out of the downtown area. Opening Encina would create a short cut for motorists.
- Opening Encina would create a direct route through the area and relieve traffic on the residential side streets (Seagull, Cormorant, Edgebrook, and Roble).
- Open to better serve the school
- Opening Encina will help divert traffic from Miller Avenue
- Opening Encina is more equitable solution for area residents
- More direct access for Police Department and Fire Department
- Will eliminate zigzag traffic through the area residential streets – The traffic is already here.

TRAFFIC-CALMING PLAN

The proposed TCP consists of recommendations to install speed cushions, roundabouts, fog line striping, centerline striping, fluorescent green pedestrian crossing signs, lighted crosswalks, all-way stop signs, and traffic signal modifications. These devices are recommended to best fit the specific traffic needs and suitability of the locations. For example, a roundabout would only fit at certain locations given the need for extra right-of-way, and a speed cushion would serve at its best if placed a certain distance away from another traffic speed control feature.

This proposed TCP has evolved through three separate discussions with various representatives from the neighborhood. The last discussion was on October 16, 2002, at the Modesto Center Plaza where approximately 1750 households within the area were invited.

The estimated cost of the proposed TCP is $533,000; currently this cost is not budgeted. Staff is exploring various funding sources, which may include General Fund, CMAQ grants, Safe Routes to School grants, Modesto City School participation, etc. Due to the high cost of these traffic-calming measures and the necessity of obtaining funding, staff envisions a phased implementation of this project.

Staff developed a draft TCP and shared it with the neighborhood representatives in meetings held on September 16, September 30, and October 16. Attached Exhibit 6 shows the draft TCP.

The main elements of this plan are as follows:

- Speed Cushions
- Striping Upgrades
- Signing Upgrades
- All-way Stop Signs
- Roundabouts
- Lighted Crosswalks
- Traffic Signal Modifications

Speed Cushions

A speed cushion is simply a derivative of the speed hump currently in use within the city of Modesto. The length and height of a cushion are similar to that of the hump but differ in width. Speed cushions are typically narrower than a hump and are designed so emergency vehicles can straddle them at high speeds with little discomfort. An example of a speed cushion can be found in Figure 3.

Figure 3: Picture showing fire truck straddling a speed cushion

Recently, Modesto hosted a speed cushion demonstration by a vendor. City Fire and Police staff was able to "test" a speed cushion with their emergency vehicles. The feedback from Fire and Police Departments regarding these speed cushions was favorable.

The proposed TCP includes the use of speed cushions at 6 locations (as shown exhibit 6 in blue). The locations are as follows:

1 - Miller Avenue, mid-block between Covena Avenue and Camellia Way.
2 - Haddon Avenue, mid-block between Rowland Avenue and Covena Avenue.
3 - Roble Avenue, mid-block between Rowland Avenue and Covena Avenue.
4 - Encina Avenue, mid-block between Covena Avenue and Camellia Way.
5&6 - Edgebrook Drive, in two locations between Oakbrook Drive and Oak View Court.

Striping Upgrades

Striping upgrades are planned on Encina to define the roadway and control speeds. The picture shown in figure-4 shows a similar Modesto street (Wylie Drive), where the combination of a new centerline and fog lines helps to calm traffic. By striping the centerline and fog line, a perception created that the effective roadway width is narrower. The motorists feel confined and tend to lower their speeds. Thus helping to achieve the desired effect, i.e. slower travel speed and hence "traffic calming."

Figure 4: Picture showing potential striping upgrades. (Centerline and fog line striping)

Signing Upgrades

Figure-5 shows a fluorescent green pedestrian sign. The proposed TCP includes replacement of the existing pedestrian signs in the Encina/La Loma Neighborhood with this highly reflective fluorescent green pedestrian signs. These new signs have a much higher reflectivity and target values. They are visible from further distances, and during darker periods, i.e. early mornings and foggy conditions. The change in sign color helps increase driver awareness of potential pedestrians. The proposed TCP will replace existing pedestrian signs with fluorescent pedestrian signs throughout the neighborhood.

Figure 5: Picture of fluorescent pedestrian sign.

All-Way Stops

The purpose of stop signs is to assign the right-of-way at an intersection. All-way stops are installed based on certain traffic criteria. The guidelines are set by the California Department of Transportation (CALTRANS) Traffic Manual and the Federal Manual on Uniform Traffic Control Devices. The criteria are based on traffic volumes, accidents, and delay to motorists. The plan includes all-way stops at the intersections of Conejo/Miller and Conejo/Julian. All-way stop signs can be justified at these locations due to the close proximity of schools.

Roundabouts

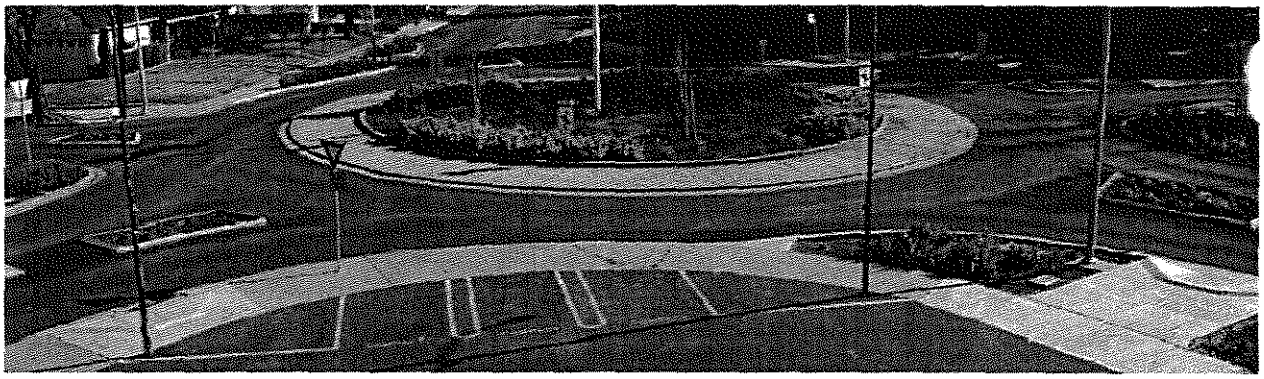


Figure 6: Picture of existing La Loma roundabout.

An existing roundabout is in place and functioning effectively at the La Loma, G, and James Streets intersection. At the request of the residents of the Encina/La Loma Neighborhood, staff looked into the possibility of installing roundabouts at the two potential intersections. Roundabouts are planned at the intersections of La Loma/Buena Vista, and Edgebrook/Buena Vista. It is staff's opinion that these are excellent locations for roundabouts due to their intersection widths. The Edgebrook/Buena Vista intersection is built around a park and has adequate right-of-way for the roundabout. The La Loma/Buena Vista intersection is also wide enough to fit in a standard roundabout.

Lighted Crosswalks

Figure 7: Image showing proposed lighted crosswalks.

To date the City has had success at increasing drivers' awareness of pedestrians with the use of lighted crosswalks. The City has six existing lighted crosswalks; four around Modesto Junior College, one on Scenic Drive, and one on Florida Avenue. The proposed TCP includes the installation of a lighted crosswalk on Encina Avenue at Seagull Way. We are currently working with area schools, to solicit their feedback for other potential locations.

Signal Modifications

The proposed TCP includes the modification of the traffic signal at El Vista and Encina. This modification includes the addition of a left turn phase for the north/south traffic on El Vista. This additional phase will allow vehicles to make a protected left turn during every signal cycle. It is anticipated that the signal modification will have a positive impact on the collision rate at El Vista and Edgebrook, as motorists will choose to make turns at the signalized intersection of El Vista at Encina.

IMPLEMENTATION STRATEGY COST ESTIMATES:

The proposed TCP is anticipated to cost approximately $533,000 (see Exhibit 7). Due to the high cost involved, staff envisions a phased implementation of this project. Staff proposes to construct the TCP in three separate phases.

The construction phasing excludes the signal modification at El Vista and Encina Avenues. The signal modifications are taking place as part of a CMAQ project, which will cost $80,000. We are currently in the design process for this portion of the plan.

Phase 1

Phase 1 is an immediate response to calm existing traffic in the Encina/La Loma Neighborhood. These changes can be implemented within a matter of months. This phase consists of installing three speed cushions: one on Encina Avenue, and two on Edgebrook Drive. It also includes striping and signing upgrades previously described. The cost for this phase of the project is estimated at $36,000. Construction of this phase is proposed for the fiscal year 2002/2003.

Phase 2

Phase 2 includes the installation of one roundabout, the addition of a roadway section, and a lighted crosswalk. The roundabout construction is planned at Edgebrook Drive and Buena Vista Avenue. The Mira Loma development will connect Encina from N. Conejo to the alley east of

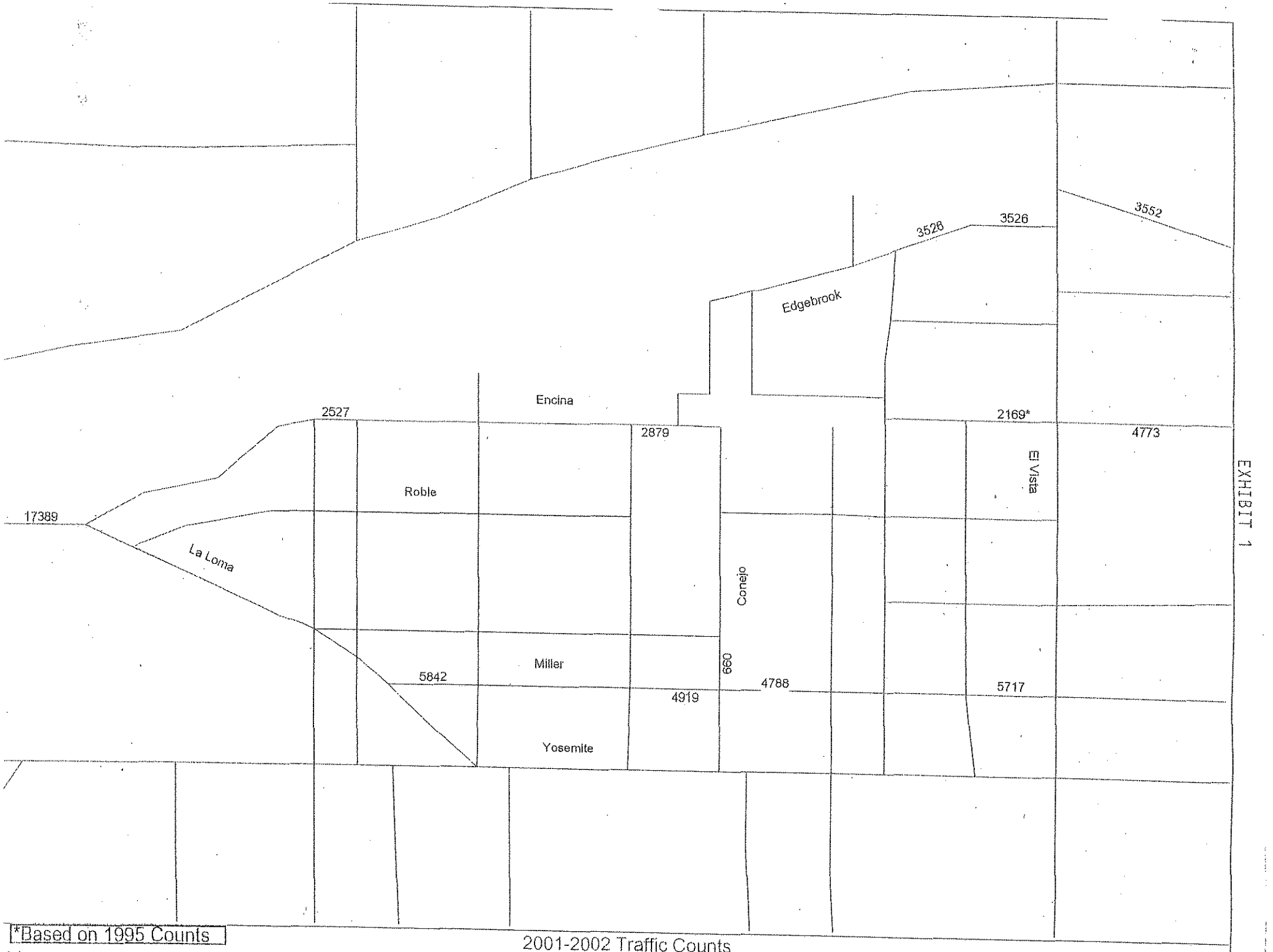
Fusco. A piece of Encina between the alley east of Fusco and the alley east of San Juan will still remain unfinished. This missing section would be the City's responsibility to finish. Speed cushions are planned on Roble, Haddon, and Miller. A lighted crosswalk installation is planned in front of La Loma Jr. High, at the intersection of Encina and Seagull Way. The design and construction of this phase will cost approximately $365,000 and it can be programmed for fiscal year 2003/2004.

Phase 3

Phase 3 includes the second roundabout, as well as miscellaneous signing and striping. The intersection of and La Loma and Buena Vista is the planned site for this second roundabout installation. There will be some miscellaneous signing and striping associated with the roundabout construction. This third phase of the TCP will cost approximately $132,000, and is slated for fiscal year 2005/2006.

CONCLUSION

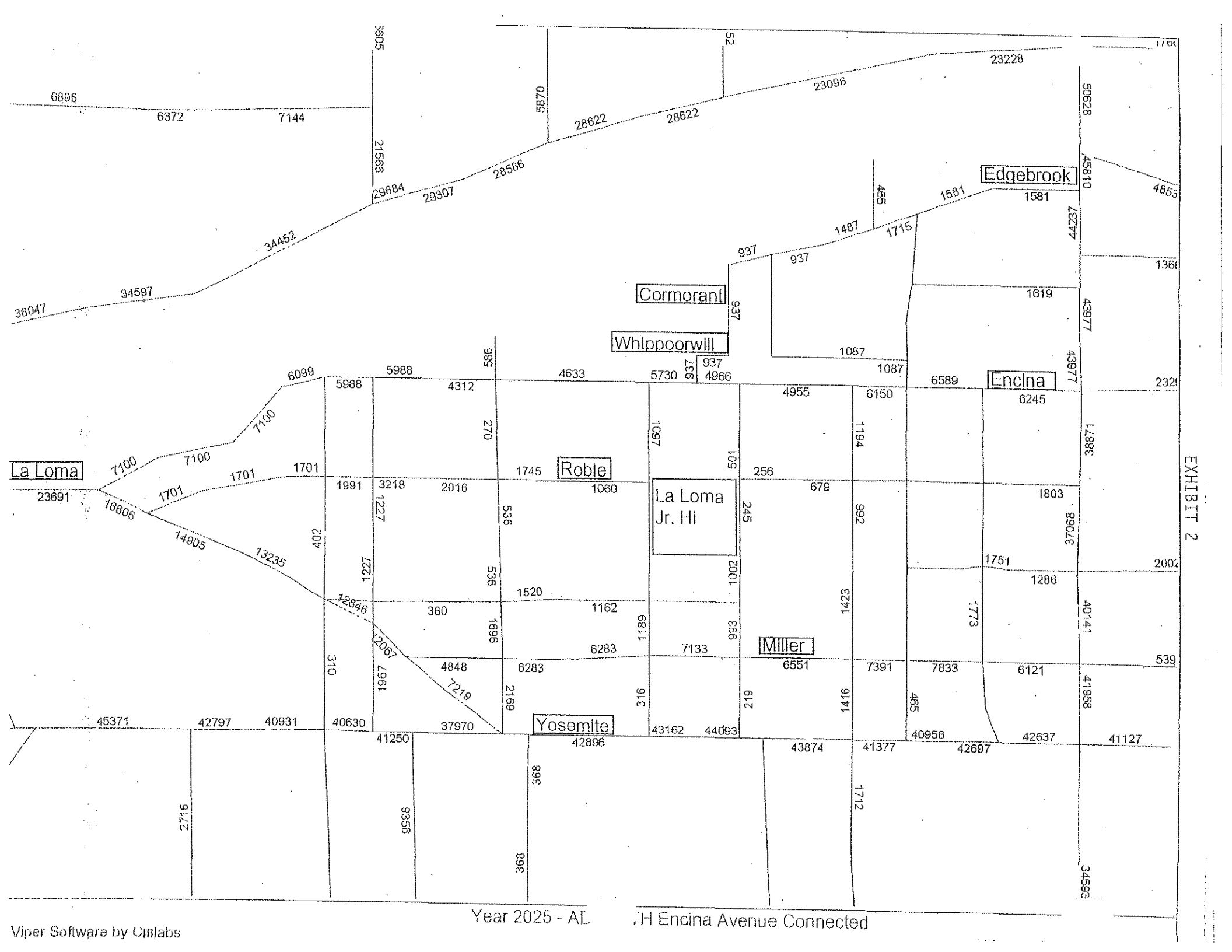
Staff believes the proposed Traffic Calming Plan (TCP) best fits the specific traffic needs and character of the Encina/La Loma Neighborhood. It represents input from several neighborhood meetings, and takes into consideration their concern for traffic speeds, accident history, current and projected traffic volumes. It uses various accepted methods of traffic calming to accomplish our mutual objective of increased safety throughout the community. This proposed TCP aids in spreading the traffic load on to several street alignments rather than letting traffic concentrate on one alignment (i.e., Encina Avenue).

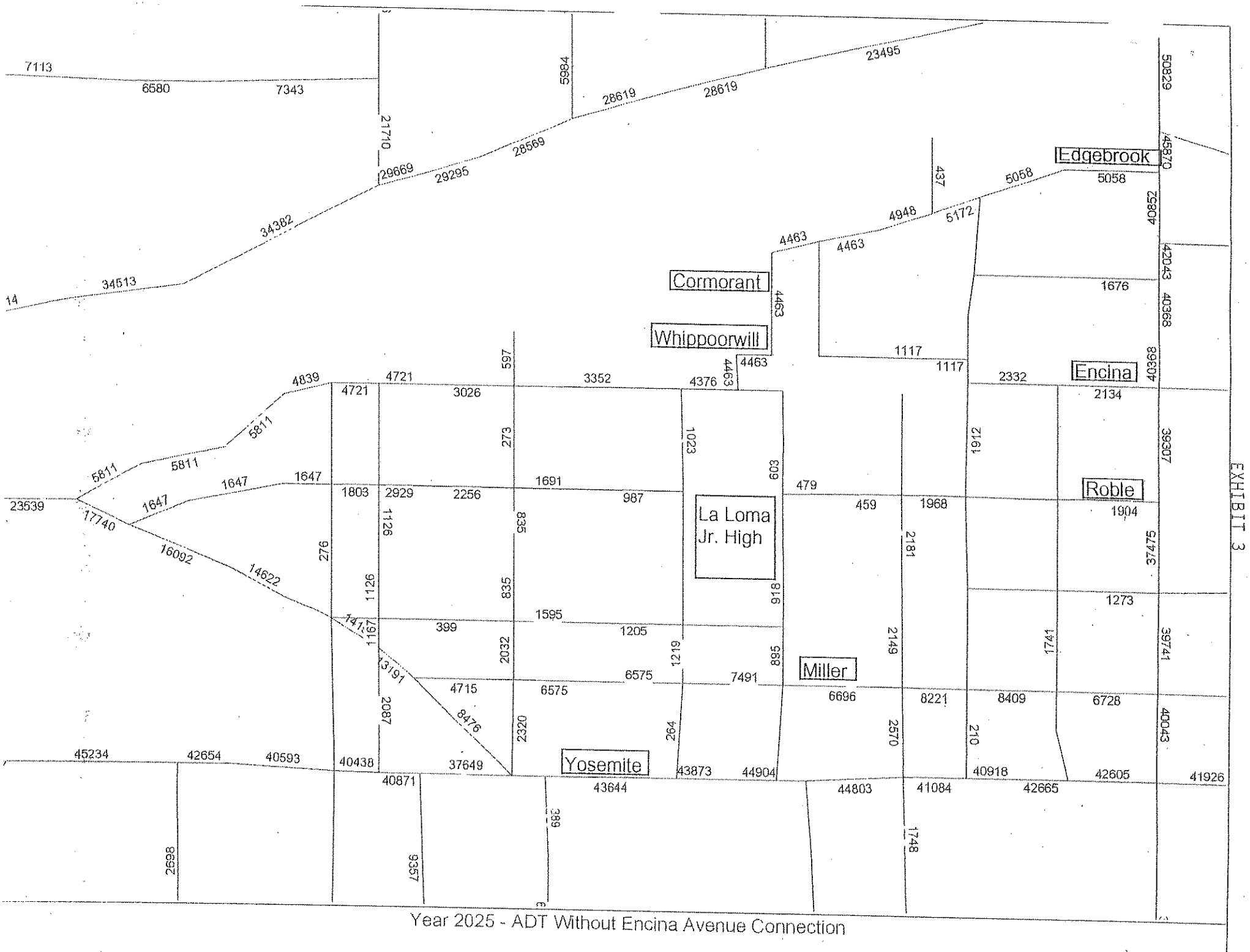


*Based on 1995 Counts

2001-2002 Traffic Counts

Viper Software by Citilabs


Edgebrook
Cormorant
Whippoorwill
Encina
La Loma
Roble
La Loma Jr. Hi
Miller
Yosemite
EXHIBIT 2
Year 2025 - AL
H Encina Avenue Connected
Viper Software by Cilabs



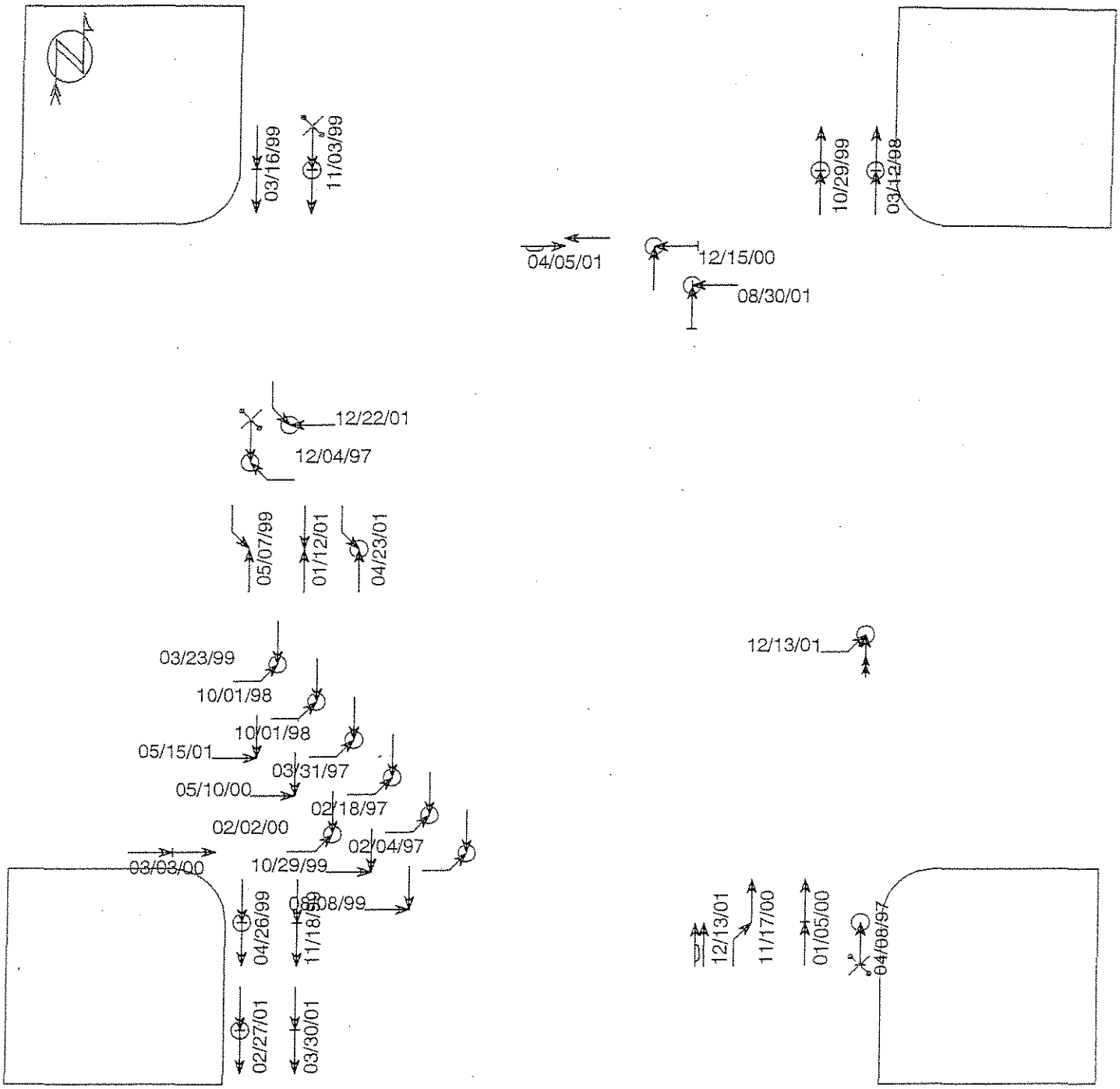
Year 2025 - ADT Without Encina Avenue Connection

Viper Software by Citilabs

EXHIBIT 4

Edgebrook Dr & El Vista Ave

33 Accidents 01/01/95 - 12/27/01



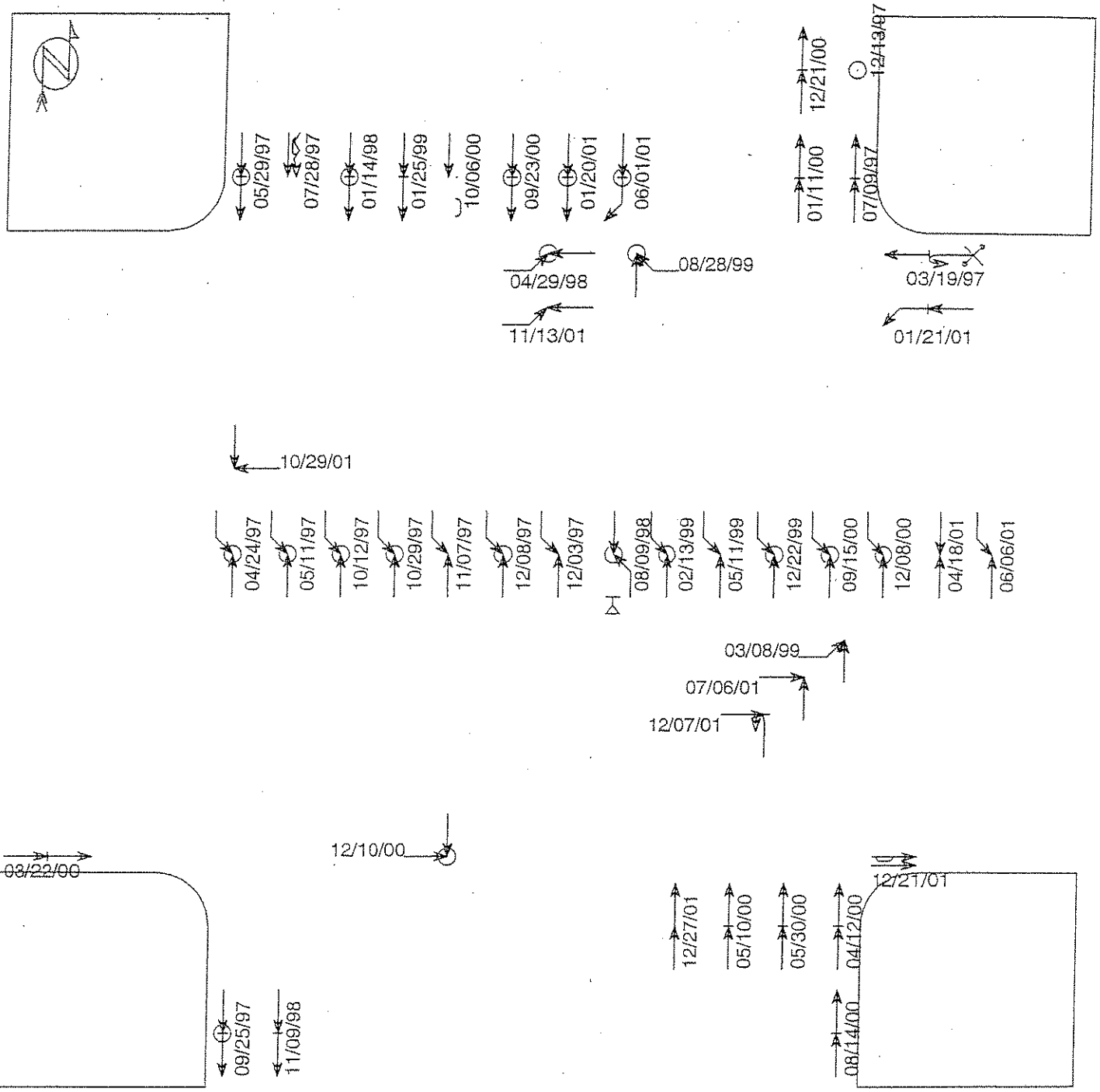
(clear filter), (0) accidents with insufficient data for display

Straight	Parked	Pedestrian	Fixed objects:
Stopped	Erratic	Bicycle	General, Pole, Signal, Curb, Tree, Animal
Unknown	Out of control	Injury	
Backing	Right turn	Fatality	
Overtaking	Left turn	Nighttime	3rd vehicle
Sideswipe	U-turn	DUI	Extra data

EXHIBIT 5

El Vista Ave & Encina Ave

46 Accidents 01/01/95 - 12/27/01

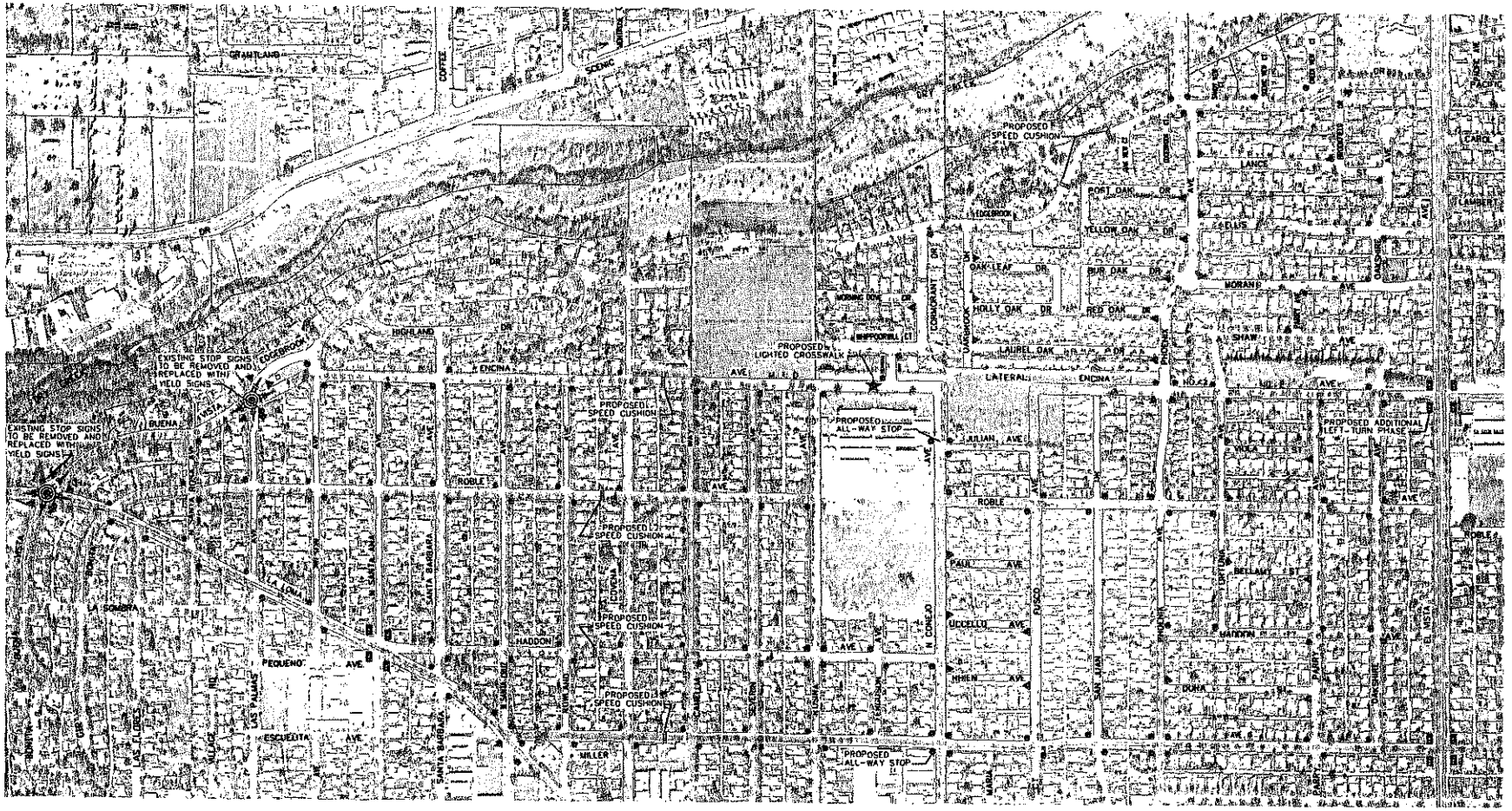


(clear filter), (0) accidents with insufficient data for display

Straight	Parked	Pedestrian	Fixed objects:
Stopped	Erratic	Bicycle	General, Pole
Unknown	Out of control	Injury	Signal, Curb
Backing	Right turn	Fatality	Tree, Animal
Overtaking	Left turn	Nighttime	3rd vehicle
Sideswipe	U-turn	DUI	Extra data

EXHIBIT 6

ENCINA / LA LOMA NEIGHBORHOOD
TRAFFIC CALMING PLAN



LEGEND

- YIELD
- STOPS
- PROPOSED STOPS
- PROPOSED SPEED CUSHIONS
- EXISTING SPEED HUMP
- LIGHTED CROSSWALK
- SIGNALS
- ROUNDABOUT

ADDITIONAL POTENTIAL TRAFFIC CALMING MEASURES

1. NEW CENTER LINES AND FOG LINES ON ENCINA AVENUE.
2. LIGHTED CROSSWALK ON ENCINA AVE. AT SEAGULL WAY.
3. REPLACE PEDESTRIAN SIGNS WITH FLOURESCENT GREEN SCHOOL CROSSING SIGNS.

EXHIBIT 7

ENGINEER'S ESTIMATE
Encina/La Loma Traffic Calming Plan

PHASE I

Item No.	Item Description	Quantity	Unit	Unit Price	Total Price
1	Preliminary Engineering	LS	LS	$3,000.00	$3,000.00
2	Speed Cushions	3	EA	5,000.00	$15,000.00
3	Misc. Signs and Striping	LS	LS	15,000.00	$15,000.00
	Subtotal Contract Items Phase I:				$33,000.00
	Contingencies:				$3,000.00
	Phase I Contract Total:				**$36,000.00**

PHASE II

				8.00	
	AREA CALC; STREET LENGTH	320	FT	R-VALUE =	40
	WIDTH	56	FT		
		17920	SF		
	ASPHALT THICKNESS	0.4	FT =	4.80	IN
	BASE THICKNESS	0.65	FT =	7.80	IN

NO.	DESCRIPTION	Quantity	Unit	Unit Price	Total Price
1	Overlay				
2	Paint Binder	0.7	T	300.00	210
3	Wedge Plane	752	LF	1.00	752
4	Asphalt Concrete	530	T	45.00	23,850
5	Prime Coat	2	T	300.00	600
6	Aggregate Base	431	CY	25.00	10,775
7	Excavation	696	CY	20.00	13,920
8	Curb and Gutter	640	LF	15.00	9,600
9	Sidewalk	3200	SF	3.00	9,600
10	Curb returns	2	EA	1,000.00	2,000
11	Handicapped Ramps	2	EA	1,500.00	3,000
12	Street Lights	2	EA	5,000.00	10,000
13	Roundabout	1	EA	100,000.00	$100,000.00
14	Lighted Crosswalk	1	EA	30,000.00	$30,000.00
15	Speed Cushions	3	EA	5,000.00	$15,000.00
16	Mis. Materials & labor, including: traffic control, barricades,	LS	LS	10,000.00	$10,000.00
17	Budget Contingency	20	PCT.	0.20	47,861
		EXPENDITURE CODE			
	CONSTRUCTION CONTRACT PHASE II	6040			287,168
				PERCENT	
	ENGINEERING/DESIGN/ADMINISTRATION	6010		12%	34,460
	CONSTRUCTION ADMINISTRATION	6060		10%	28,716
	CONSTRUCTION CONTINGENCY	6050		5%	14,358
	Phase II Contract Total:				**$365,000**

Distribution: (1) Original + 4 copies - Caltrans District Local Assistance Engineer - (2) Copy- Local Agency Project File

PHASE III

Item No.	Item Description	Quantity	Unit	Unit Price	Total Price
1	Preliminary Engineering	LS	LS	$10,000.00	$10,000.00
2	Roundabout	1	EA	100,000.00	$100,000.00
3	Misc. Signs and Striping	LS	LS	7,000.00	$7,000.00
	Subtotal Contract Items Phase I:				$117,000.00
	Contingencies:				$8,000.00
	Construction Engineering				$7,000.00
	Phase III Contract Total:				**$132,000.00**

PROJECT TOTAL PHASES I, II, and III $533,000.00

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-599

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE SCOPE OF THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017)

WHEREAS, the Modesto City Council has adopted Resolution No. 95-408 certifying that the Modesto Urban Area General Plan Master Environmental Impact Report ("EIR") (State Clearing House No. 92052017) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, on April 29, 2002, the City of Modesto Planning Division received a subdivision map application for the vacant property at the northeast corner of Conejo and Julian Avenues, and

WHEREAS, as a result of this proposed subdivision, Traffic Engineering staff requested the connection of Encina Avenue from Phoenix Avenue to west of San Juan Drive, (hereinafter the "Project"), and

WHEREAS, due to the controversy surrounding this issue, neighborhood meetings were held, and

WHEREAS, the first neighborhood meeting was held on June 26, 2002, at the La Loma Junior High School to discuss the proposed Mira Loma subdivision, and at this meeting, several residents expressed concern about traffic speeding throughout the neighborhood, and

WHEREAS, as part of the planning process for the development of the Traffic-Calming Plan, City staff met several times with the Encina/La Loma area neighborhood residents to gain input, and

WHEREAS, in response, Traffic Staff has produced a Traffic-Calming Plan (TCP) for the Encina/La Loma Neighborhood which includes the area bounded by Miller Avenue to the south, east Edgebrook to the north, El Vista to the east, and La Loma Avenue as the west boundary. Existing traffic volumes and reported collisions on all street segments and intersections in this boundary area were considered in developing the Encina/La Loma Neighborhood TCP, a copy of which is attached hereto as **Exhibit "A"**, and

WHEREAS, for the October 16 meeting, a notice was sent to approximately 1750 Encina/La Loma area residents south of Edgebrook, north of Yosemite, west of El Vista, and east of La Loma, and

WHEREAS, on November 14, 2002, the Economic Development Committee recommended approval of the proposed Traffic-Calming Plan and authorized staff to seek approval of the Traffic-Calming Plan from the City Council, and

WHEREAS, following a public hearing on November 18, 2002, regarding the proposed Traffic-Calming Plan, the Planning Commission recommended adoption of the Traffic-Calming Plan, and

WHEREAS, the City Council reviewed and considered the draft Traffic-Calming Plan on November 26, 2002.

WHEREAS, the staff has reviewed the proposed Project to determine if said Project might have a significant effect on the environment as set forth in Environmental Assessment EA/ET 2002-61, and

WHEREAS, pursuant to Environmental Assessment EA/ET 2002-61, staff has determined that the proposed Project is within the scope of the Modesto Urban Area

General Plan Master EIR (SCH No. 92052017, that the Environmental Assessment adequately describes the proposed Project for purposes of CEQA, and that the potential impacts of the proposed Project has been adequately addressed in the EIR.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council hereby makes the following findings:

1. The proposed Project is within the scope of the General Plan Master EIR (SCH No. 92052017).

2. The Project will have no new effects that were not examined in the Modesto Urban Area General Plan Master EIR and no new mitigation measures would be required.

3. There are no substantial changes proposed in the Project that will require major revisions of the Modesto Urban Area General Plan Master EIR.

4. There are no substantial changes occurring with respect to the circumstances under which the Project is being undertaken which will require major revisions of the Modesto Urban Area General Plan Master EIR.

5. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Modesto Urban Area General Plan Master EIR was certified as complete, has become available.

6. As per sections 15162 and 15177 of the CEQA Guidelines, this activity is within the scope of the Projects covered by the Modesto Urban Area General Plan Master EIR and no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

7. There are no specific features that are unique to the proposed Project that require Project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this Project.

8. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the Project shall be incorporated in the Project.

9. This Initial Study provides substantial evidence to support findings 1 through 8 above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

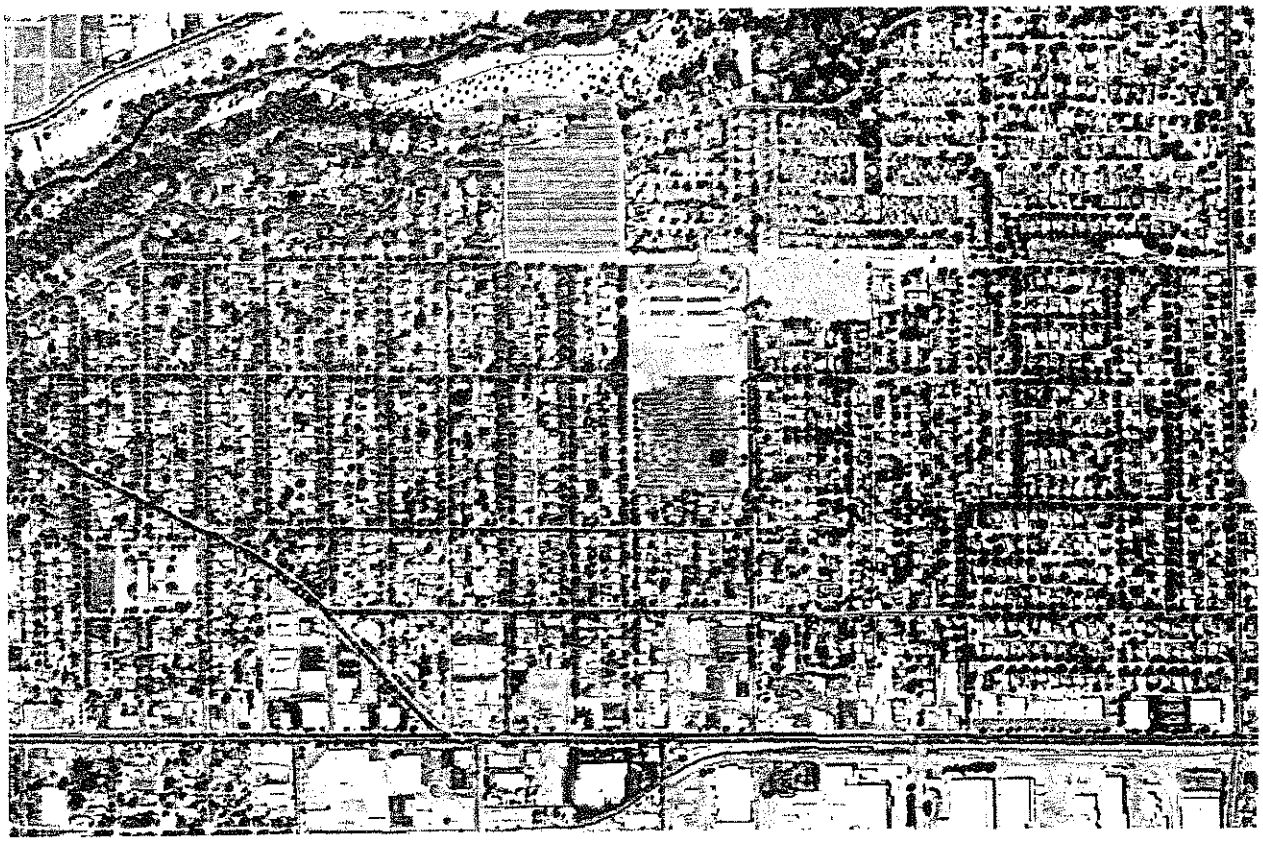
APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

ATTACHMENT 1

ENCINA/LA LOMA NEIGHBORHOOD TRAFFIC CALMING PLAN REPORT



NOVEMBER 14, 2002

Engineering & Transportation Department

City of Modesto

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INTRODUCTION

On April 29, 2002, the City of Modesto Planning Division received a subdivision map application for the Mira Loma Subdivision project (vacant property at the northeast corner of Conejo and Julian Avenues). As a result of this proposed subdivision, Traffic Engineering staff requested the connection of Encina Avenue to the east of Conejo along the MID easement. Currently, Encina Avenue terminates at Conejo Avenue immediately northeast of La Loma Junior High School.

Due to the controversy surrounding this issue, neighborhood meetings were held. Neighborhood residents involved believe that there is a speeding problem in the La Loma area that needs to be addressed regardless of the outcome of the development application for the Mira Loma Subdivision.

The purpose of this report is to address the traffic calming needs of the Encina/La Loma area.

NEIGHBORHOOD CONDITIONS

The proposed Encina/La Loma Neighborhood Traffic-Calming Plan (TCP) includes the area bounded by Miller Avenue to the south, east Edgebrook and Encina to the north, El Vista to the east, and La Loma Avenue as the west boundary (as shown in Figure 1 below).

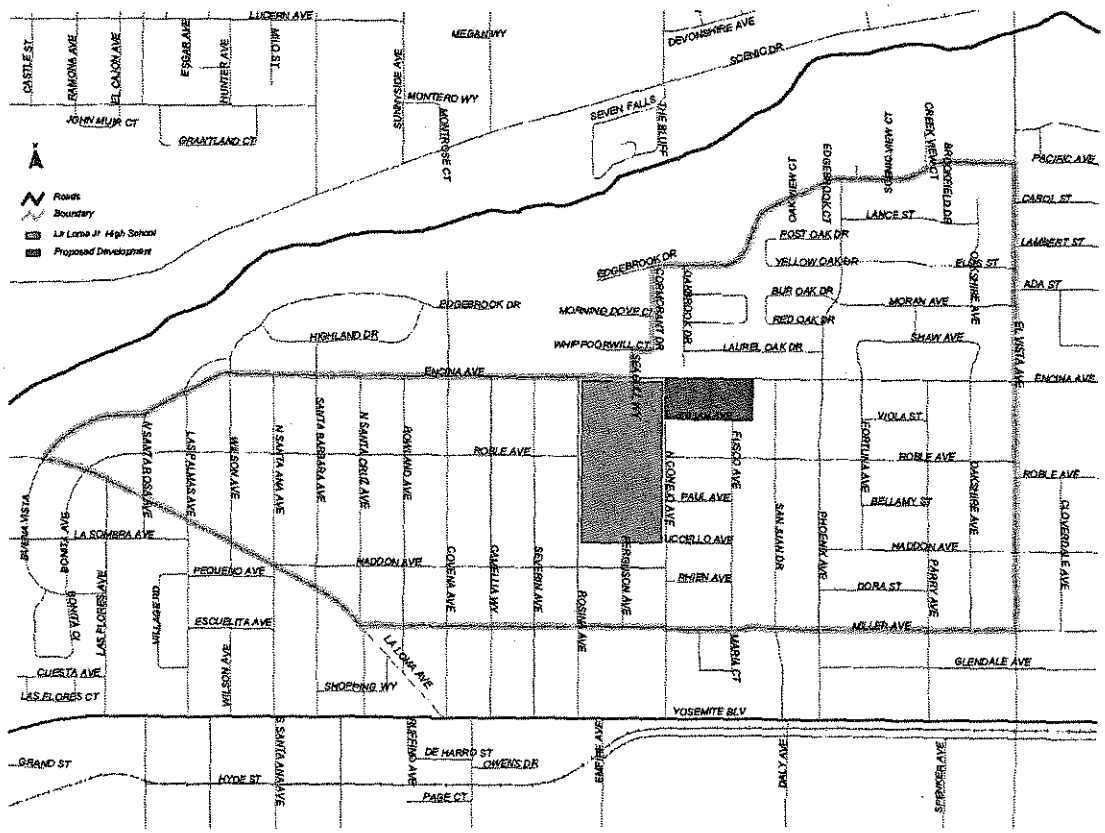


Figure 1: Map showing boundaries of the Encina/La Loma Neighborhood.

The Encina/La Loma Neighborhood primarily consists of single family residential and some multi-family residential. Construction of certain streets within the La Loma area neighborhood occurred prior to its annexation within the City. While some of the development occurred after City annexation, the older standards of that day are rendered obsolete and have been updated. Therefore the streets and sidewalks within this neighborhood do not meet the current City Standards. Because of this, many streets are narrower than current City Standards and lack sidewalks, thus forcing children to walk in the roadway. Figure-2 below shows students walking south on Rosina, behind the children in this picture is a car heading northbound.

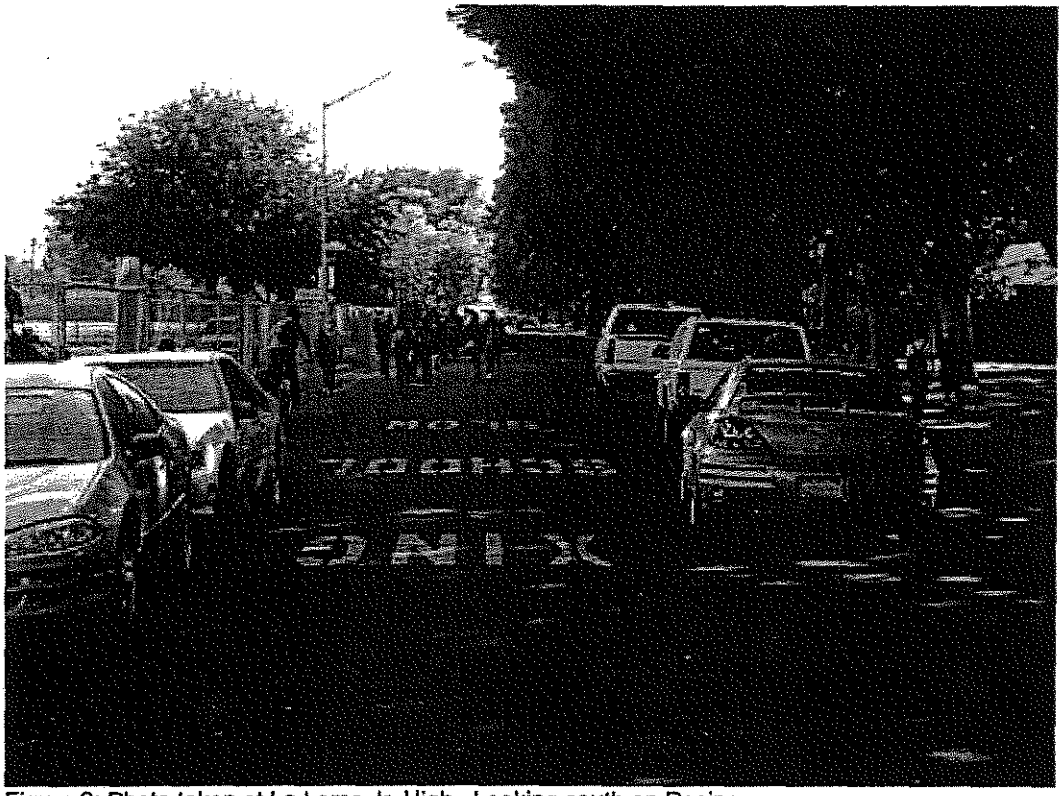


Figure 2: Photo taken at La Loma Jr. High. Looking south on Rosina.

Schools in the Neighborhood

There are two schools in the Encina/La Loma Neighborhood, La Loma Junior High School, and Wilson Elementary School.

La Loma Junior High School fronts Encina Avenue between Rosina and Conejo and was built around 50 years ago. Approximately 1050 students attend this school, between the ages 12 and 14 (grades 7-8). Students attending La Loma Jr. High come from an area bordered by McHenry, Briggsmore, Riverside/Lakewood, and south to the river. It draws students from the following elementary schools:

- Orville Wright Elementary School
- Wilson Elementary School
- El Vista Elementary School
- Lakewood Elementary School
- Sonoma Elementary School
- Rose Avenue Elementary School
- John Muir Elementary School

According to the administration of La Loma Jr. High, busing is available for students who live more than 1½ miles from school. Currently, there are 6 buses each day that shuttle students to and from the Jr. High school. Busing is unavailable for students south of the La Loma Jr. High school, and therefore most students from this area must either walk, ride bicycles, or are dropped off by car. The schools administration explained that drop-off and pick-up congestion is a serious problem during the AM and afternoon peak periods, and it that frequently results in gridlock.

Wilson Elementary School was built in 1972, and is approximately 30 years old. It is located south of La Loma and west of Santa Ana. Currently there is an approximate enrollment of 396 students comprised of 50 preschool students (ages 3 ½-4) and 346 students in grades K-6. Students attending Wilson Elementary School come from an irregularly bordered area of Edgebrook to the north, South Santa Cruz to the south, the downtown area (9th Street) to the west, and Rosina to the east.

Currently, there is only one school bus serving Wilson Elementary School each day. Due to the young age of the students attending this school, most children are dropped off and picked up by their parents. Drop-off and pick-up congestion is a concern for the school administration, particularly with parents stopping in the middle of the roadway or calling their children across Pequeno and Santa Ana Avenues.

TRAFFIC CONDITIONS

To better understand the traffic conditions in the Encina/La Loma area staff conducted an analysis based on neighborhood existing and projected traffic volumes, traffic patterns, traffic speeds, and traffic collision data. Traffic Engineering staff developed the proposed Traffic Calming Plan (TCP) for the Encina/La Loma area neighborhoods using this data. Following are our findings of the traffic conditions:

Traffic Volumes

Using the City Traffic Model, Traffic staff projected the future traffic based on two options, 1) Encina connected, and 2) Encina left unconnected. Staff used these projections as a basis for the creation of the proposed TCP. The existing and projected volumes are shown in Exhibits 1-3. From the exhibits, traffic on streets such as Roble and Conejo is going to increase. In Exhibit 2, traffic is projected with Encina connected. With the connection, Encina will see an increase of traffic from 22% to 192% in certain sections. Without Encina connected, Roble will increase as much as 370% in one section and 8% in another, Haddon, Miller, and La Loma will all see increases.

Traffic Patterns

Currently, Encina Avenue terminates at Conejo Avenue immediately northeast of La Loma Junior High School. There is a missing segment of roadway between this point and Phoenix Avenue to the east.

Because of this gap, traffic coming from the area must zigzag through numerous residential streets that were not designed for this function. This traffic flow pattern has been in operation for many years.

Residents who live east of El Vista use a circuitous route to drop children off at schools, or to get to and from work, shopping, and entertainment (movies) in the downtown area.

Traffic Speeds and Accident Analysis

The community meetings made it apparent that speeding was a major concern for the neighborhood. According to the Modesto Police Department, since January 1, 2002 to November 1, 2002, there have been 80 speeding citations issued on Encina Avenue alone.

Staff compared various intersections in the Encina/La Loma Neighborhood and reviewed their three-year collision data. Currently, the Edgebrook/El Vista intersection is controlled with stop signs on both sides of Edgebrook stopping on El Vista. Due to the close proximity of the Encina/El Vista intersection with the Edgebrook/El Vista, Edgebrook is not planned for a signal. The accident analysis at Edgebrook shows that the collision rate at Edgebrook and El Vista is above average. Primary movements involved in the collision patterns are the left turn movements in and out of Edgebrook.

At Encina and El Vista, similar types of collisions also exist. The proposed TCP includes the addition of a left-turn phase off of El Vista at Encina. With the addition of a left-turn phase on El Vista at Encina, the safety of the left turning traffic movement through this intersection will improve. Exhibits 4 & 5 show the collision diagrams for the El Vista/Encina and El Vista/Edgebrook intersections.

COMMUNITY INPUT

The neighbors requested staff to evaluate potential traffic calming measures for various streets in their neighborhood. Staff has successfully worked with neighborhoods in the past to jointly create viable traffic calming measures rather than making a unilateral staff proposal. City staff worked with the Encina/La Loma area neighborhoods in evaluating various traffic-calming measures tailored for specific intersections and street sections, and jointly developed a Traffic Calming Plan (TCP).

As part of the planning process for the development of the traffic-calming plan, City staff met several times with the Encina/La Loma area neighborhood residents to gain input. Following are the dates the meetings occurred.

- The first neighborhood meeting was held on June 26, 2002, at the La Loma Junior High School. There were over 200 residents in attendance.

- Staff's recommendation at the August 26 Planning Commission meeting was to connect Encina through. At that meeting, the Planning Commission saw a need for alternative plans and denied the application.

- Subsequent to the Planning Commission Meeting, staff met with the La Loma area neighborhoods.

- On September 16, at their request, we met with a group of Encina representatives. At this meeting, the group expressed concerns that traffic speeding was already prevalent throughout the neighborhood. They felt that speeding problems would be exacerbated with any connection of Encina. The residents requested a comprehensive traffic-claming plan for the neighborhood.

- On September 30, we met with the same group of neighborhood representatives, as well as the residents of Julian Avenue. We specifically added Julian Avenue residents because we

knew there would be impacts on Julian Avenue based upon the new application by the developer.

- For the October 16 meeting, a notice was sent to approximately 1750 La Loma area residents south of Edgebrook, north of Yosemite, west of El Vista, and east of La Loma. Fifty people attended this meeting.

Following are the concerns and comments expressed by residents at the neighborhood meetings:

- Traffic speeds
- Quality of life for existing homeowners – this is a special, unique neighborhood
- Safety of school children (proximity to La Loma Junior High School), pedestrians, and bicyclists
- Noise generated by additional traffic
- La Loma Bridge is already a bottleneck. Connecting Encina will increase traffic in the area, creating a bigger bottleneck.
- Scenic and Yosemite are four lane roads leading into/out of the downtown area. Opening Encina would create a short cut for motorists.
- Opening Encina would create a direct route through the area and relieve traffic on the residential side streets (Seagull, Cormorant, Edgebrook, and Roble).
- Open to better serve the school
- Opening Encina will help divert traffic from Miller Avenue
- Opening Encina is more equitable solution for area residents
- More direct access for Police Department and Fire Department
- Will eliminate zigzag traffic through the area residential streets – The traffic is already here.

TRAFFIC-CALMING PLAN

The proposed TCP consists of recommendations to install speed cushions, roundabouts, fog line striping, centerline striping, fluorescent green pedestrian crossing signs, lighted crosswalks, all-way stop signs, and traffic signal modifications. These devices are recommended to best fit the specific traffic needs and suitability of the locations. For example, a roundabout would only fit at certain locations given the need for extra right-of-way, and a speed cushion would serve at its best if placed a certain distance away from another traffic speed control feature.

This proposed TCP has evolved through three separate discussions with various representatives from the neighborhood. The last discussion was on October 16, 2002, at the Modesto Center Plaza where approximately 1750 households within the area were invited.

The estimated cost of the proposed TCP is $533,000; currently this cost is not budgeted. Staff is exploring various funding sources, which may include General Fund, CMAQ grants, Safe Routes to School grants, Modesto City School participation, etc. Due to the high cost of these traffic-calming measures and the necessity of obtaining funding, staff envisions a phased implementation of this project.

Staff developed a draft TCP and shared it with the neighborhood representatives in meetings held on September 16, September 30, and October 16. Attached Exhibit 6 shows the draft TCP.

The main elements of this plan are as follows:

- Speed Cushions
- Striping Upgrades
- Signing Upgrades
- All-way Stop Signs
- Roundabouts
- Lighted Crosswalks
- Traffic Signal Modifications

Speed Cushions

A speed cushion is simply a derivative of the speed hump currently in use within the city of Modesto. The length and height of a cushion are similar to that of the hump but differ in width. Speed cushions are typically narrower than a hump and are designed so emergency vehicles can straddle them at high speeds with little discomfort. An example of a speed cushion can be found in Figure 3.

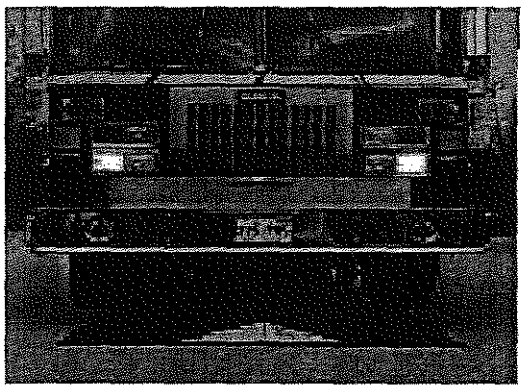


Figure 3: Picture showing fire truck straddling a speed cushion

Recently, Modesto hosted a speed cushion demonstration by a vendor. City Fire and Police staff was able to "test" a speed cushion with their emergency vehicles. The feedback from Fire and Police Departments regarding these speed cushions was favorable.

The proposed TCP includes the use of speed cushions at 6 locations (as shown exhibit 6 in blue). The locations are as follows:

1 - Miller Avenue, mid-block between Covena Avenue and Camellia Way.
2 - Haddon Avenue, mid-block between Rowland Avenue and Covena Avenue.
3 - Roble Avenue, mid-block between Rowland Avenue and Covena Avenue.
4 - Encina Avenue, mid-block between Covena Avenue and Camellia Way.
5&6 - Edgebrook Drive, in two locations between Oakbrook Drive and Oak View Court.

Striping Upgrades

Striping upgrades are planned on Encina to define the roadway and control speeds. The picture shown in figure-4 shows a similar Modesto street (Wylie Drive), where the combination of a new centerline and fog lines helps to calm traffic. By striping the centerline and fog line, a perception created that the effective roadway width is narrower. The motorists feel confined and tend to lower their speeds. Thus helping to achieve the desired effect, i.e. slower travel speed and hence "traffic calming."

Figure 4: Picture showing potential striping upgrades. (Centerline and fog line striping)

Signing Upgrades

Figure-5 shows a fluorescent green pedestrian sign. The proposed TCP includes replacement of the existing pedestrian signs in the Encina/La Loma Neighborhood with this highly reflective fluorescent green pedestrian signs. These new signs have a much higher reflectivity and target values. They are visible from further distances, and during darker periods, i.e. early mornings and foggy conditions. The change in sign color helps increase driver awareness of potential pedestrians. The proposed TCP will replace existing pedestrian signs with fluorescent pedestrian signs throughout the neighborhood.

Figure 5: Picture of fluorescent pedestrian sign.

All-Way Stops

The purpose of stop signs is to assign the right-of-way at an intersection. All-way stops are installed based on certain traffic criteria. The guidelines are set by the California Department of Transportation (CALTRANS) Traffic Manual and the Federal Manual on Uniform Traffic Control Devices. The criteria are based on traffic volumes, accidents, and delay to motorists. The plan includes all-way stops at the intersections of Conejo/Miller and Conejo/Julian. All-way stop signs can be justified at these locations due to the close proximity of schools.

Roundabouts

Figure 6: Picture of existing La Loma roundabout.

An existing roundabout is in place and functioning effectively at the La Loma, G, and James Streets intersection. At the request of the residents of the Encina/La Loma Neighborhood, staff looked into the possibility of installing roundabouts at the two potential intersections. Roundabouts are planned at the intersections of La Loma/Buena Vista, and Edgebrook/Buena Vista. It is staff's opinion that these are excellent locations for roundabouts due to their intersection widths. The Edgebrook/Buena Vista intersection is built around a park and has adequate right-of-way for the roundabout. The La Loma/Buena Vista intersection is also wide enough to fit in a standard roundabout.

Lighted Crosswalks

Figure 7: Image showing proposed lighted crosswalks.

To date the City has had success at increasing drivers' awareness of pedestrians with the use of lighted crosswalks. The City has six existing lighted crosswalks; four around Modesto Junior College, one on Scenic Drive, and one on Florida Avenue. The proposed TCP includes the installation of a lighted crosswalk on Encina Avenue at Seagull Way. We are currently working with area schools, to solicit their feedback for other potential locations.

Signal Modifications

The proposed TCP includes the modification of the traffic signal at El Vista and Encina. This modification includes the addition of a left turn phase for the north/south traffic on El Vista. This additional phase will allow vehicles to make a protected left turn during every signal cycle. It is anticipated that the signal modification will have a positive impact on the collision rate at El Vista and Edgebrook, as motorists will choose to make turns at the signalized intersection of El Vista at Encina.

IMPLEMENTATION STRATEGY COST ESTIMATES:

The proposed TCP is anticipated to cost approximately $533,000 (see Exhibit 7). Due to the high cost involved, staff envisions a phased implementation of this project. Staff proposes to construct the TCP in three separate phases.

The construction phasing excludes the signal modification at El Vista and Encina Avenues. The signal modifications are taking place as part of a CMAQ project, which will cost $80,000. We are currently in the design process for this portion of the plan.

Phase 1

Phase 1 is an immediate response to calm existing traffic in the Encina/La Loma Neighborhood. These changes can be implemented within a matter of months. This phase consists of installing three speed cushions: one on Encina Avenue, and two on Edgebrook Drive. It also includes striping and signing upgrades previously described. The cost for this phase of the project is estimated at $36,000. Construction of this phase is proposed for the fiscal year 2002/2003.

Phase 2

Phase 2 includes the installation of one roundabout, the addition of a roadway section, and a lighted crosswalk. The roundabout construction is planned at Edgebrook Drive and Buena Vista Avenue. The Mira Loma development will connect Encina from N. Conejo to the alley east of

Fusco. A piece of Encina between the alley east of Fusco and the alley east of San Juan will still remain unfinished. This missing section would be the City's responsibility to finish. Speed cushions are planned on Roble, Haddon, and Miller. A lighted crosswalk installation is planned in front of La Loma Jr. High, at the intersection of Encina and Seagull Way. The design and construction of this phase will cost approximately $365,000 and it can be programmed for fiscal year 2003/2004.

Phase 3

Phase 3 includes the second roundabout, as well as miscellaneous signing and striping. The intersection of and La Loma and Buena Vista is the planned site for this second roundabout installation. There will be some miscellaneous signing and striping associated with the roundabout construction. This third phase of the TCP will cost approximately $132,000, and is slated for fiscal year 2005/2006.

CONCLUSION

Staff believes the proposed Traffic Calming Plan (TCP) best fits the specific traffic needs and character of the Encina/La Loma Neighborhood. It represents input from several neighborhood meetings, and takes into consideration their concern for traffic speeds, accident history, current and projected traffic volumes. It uses various accepted methods of traffic calming to accomplish our mutual objective of increased safety throughout the community. This proposed TCP aids in spreading the traffic load on to several street alignments rather than letting traffic concentrate on one alignment (i.e., Encina Avenue).

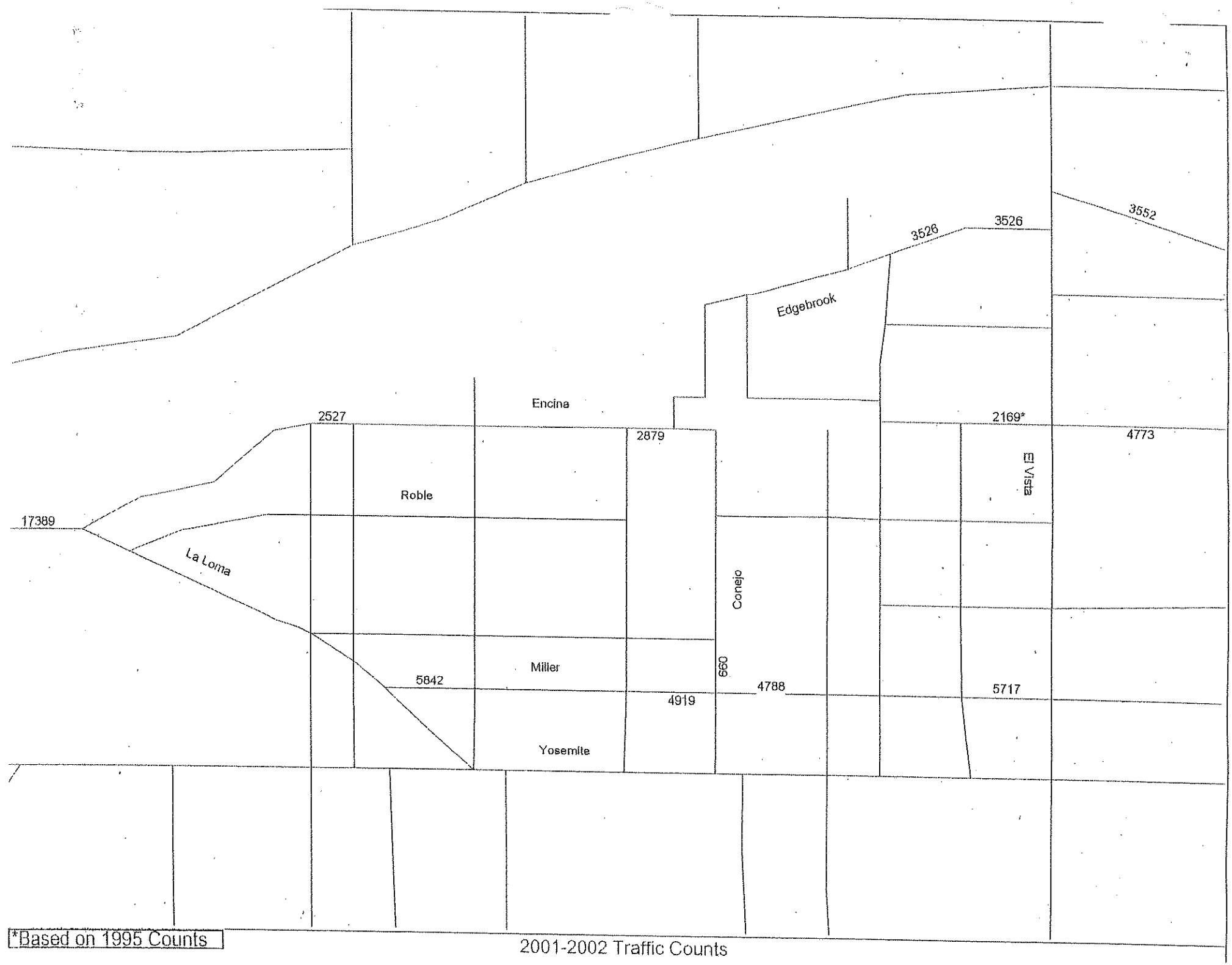
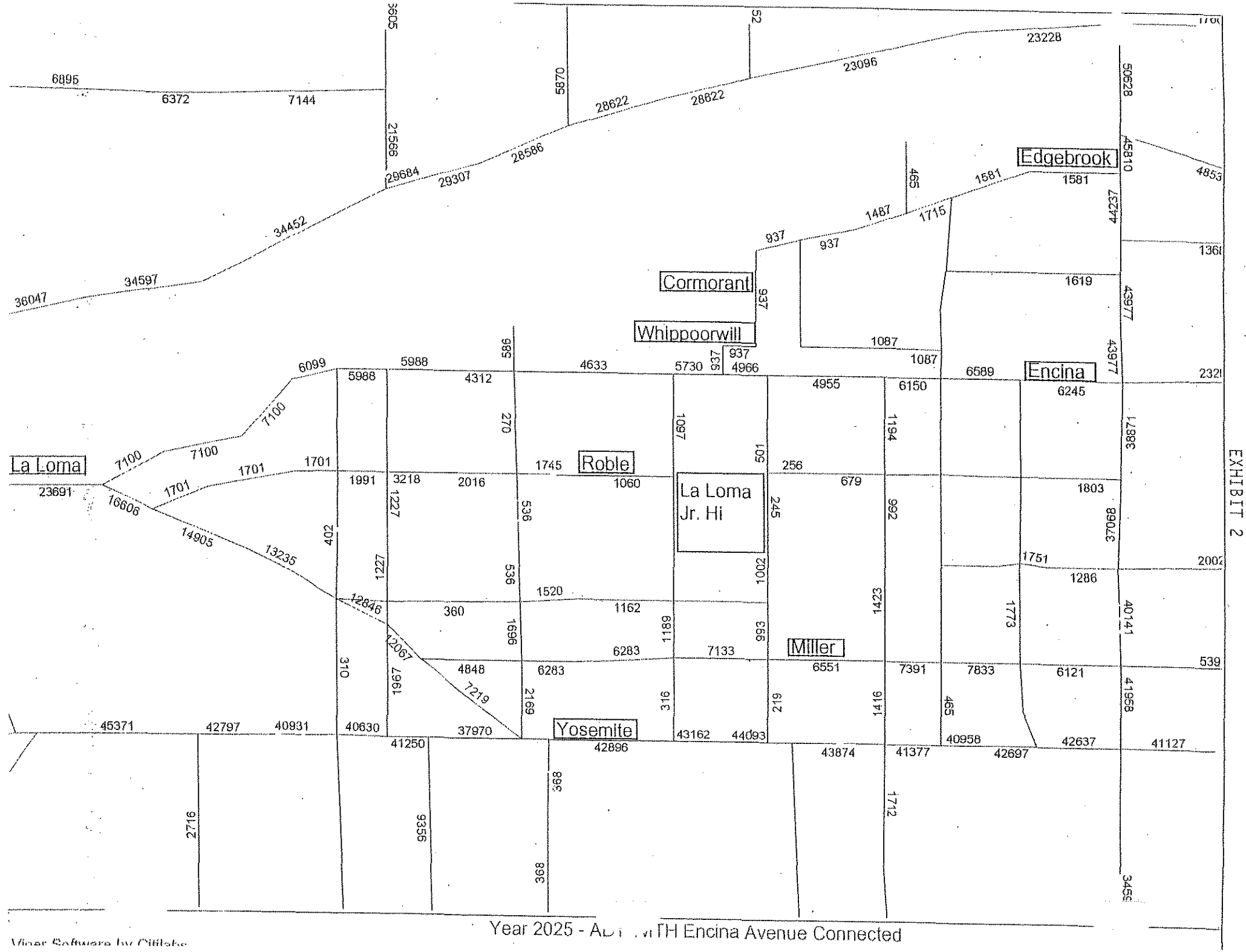
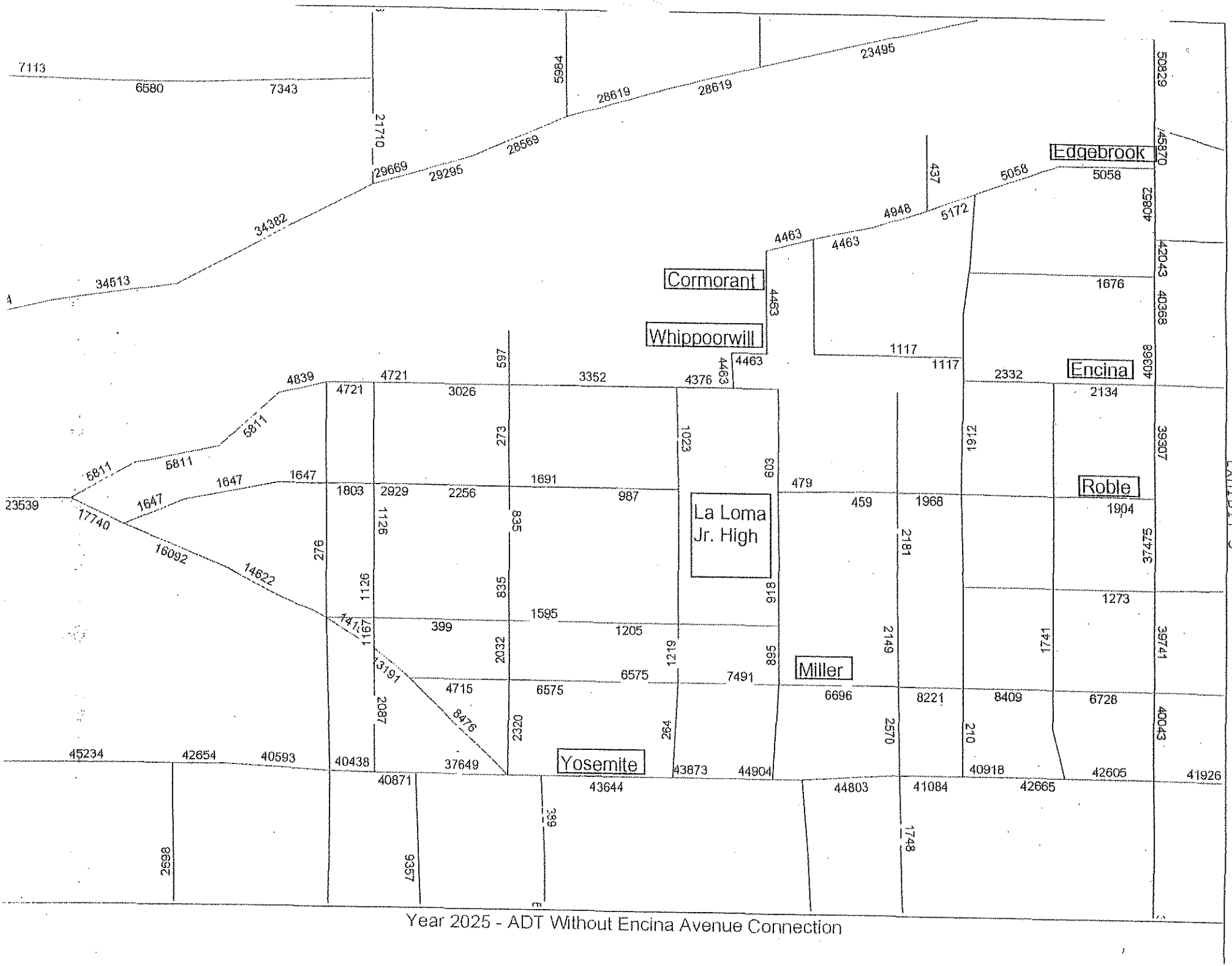


EXHIBIT 1

*Based on 1995 Counts

2001-2002 Traffic Counts


Edgebrook
Cormorant
Whippoorwill
Encina
La Loma
Roble
La Loma Jr. Hi
Miller
Yosemite
EXHIBIT 2
Year 2025 - ADT with Encina Avenue Connected

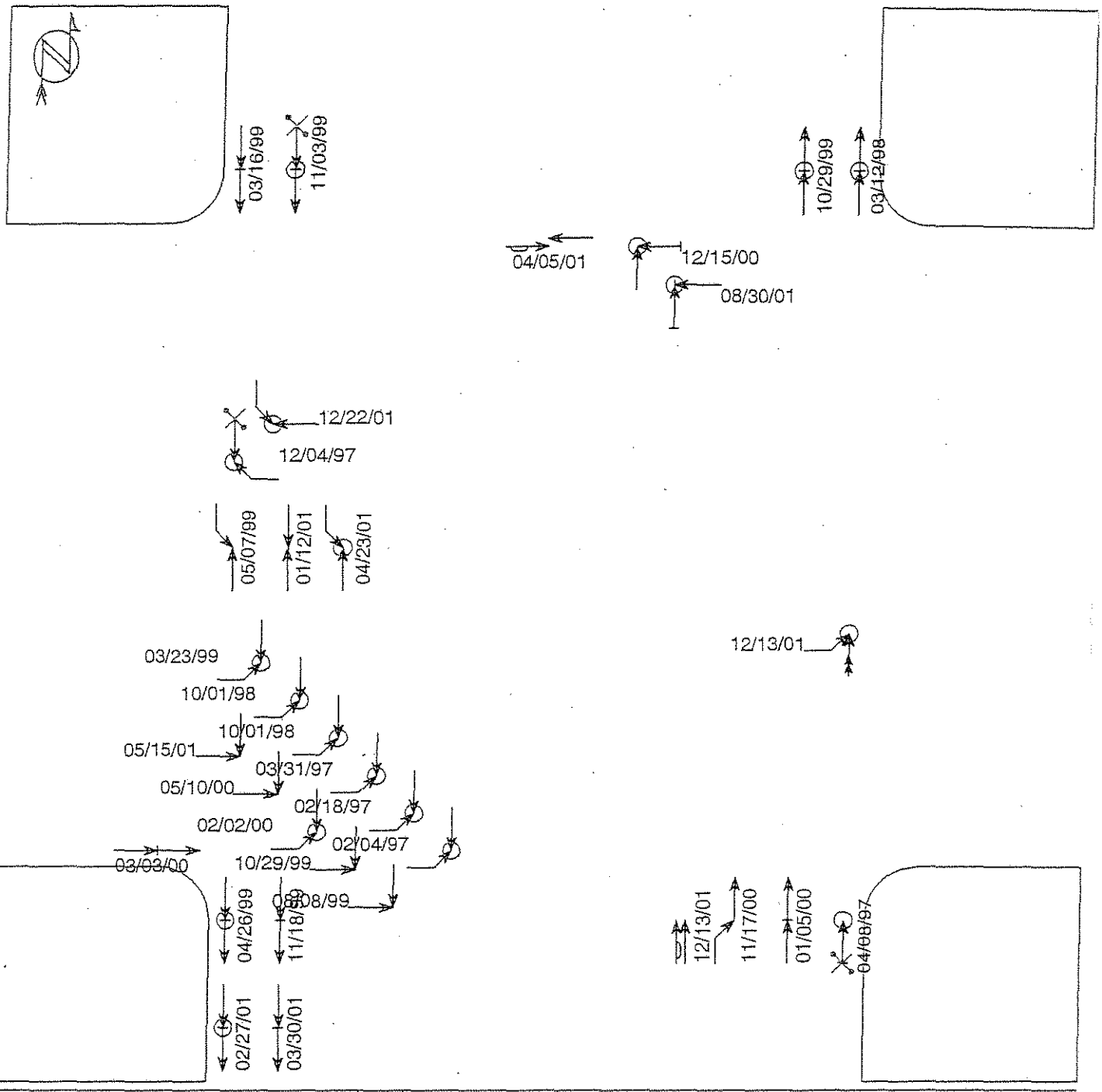


Year 2025 - ADT Without Encina Avenue Connection

EXHIBIT 4

Edgebrook Dr & El Vista Ave

33 Accidents 01/01/95 - 12/27/01



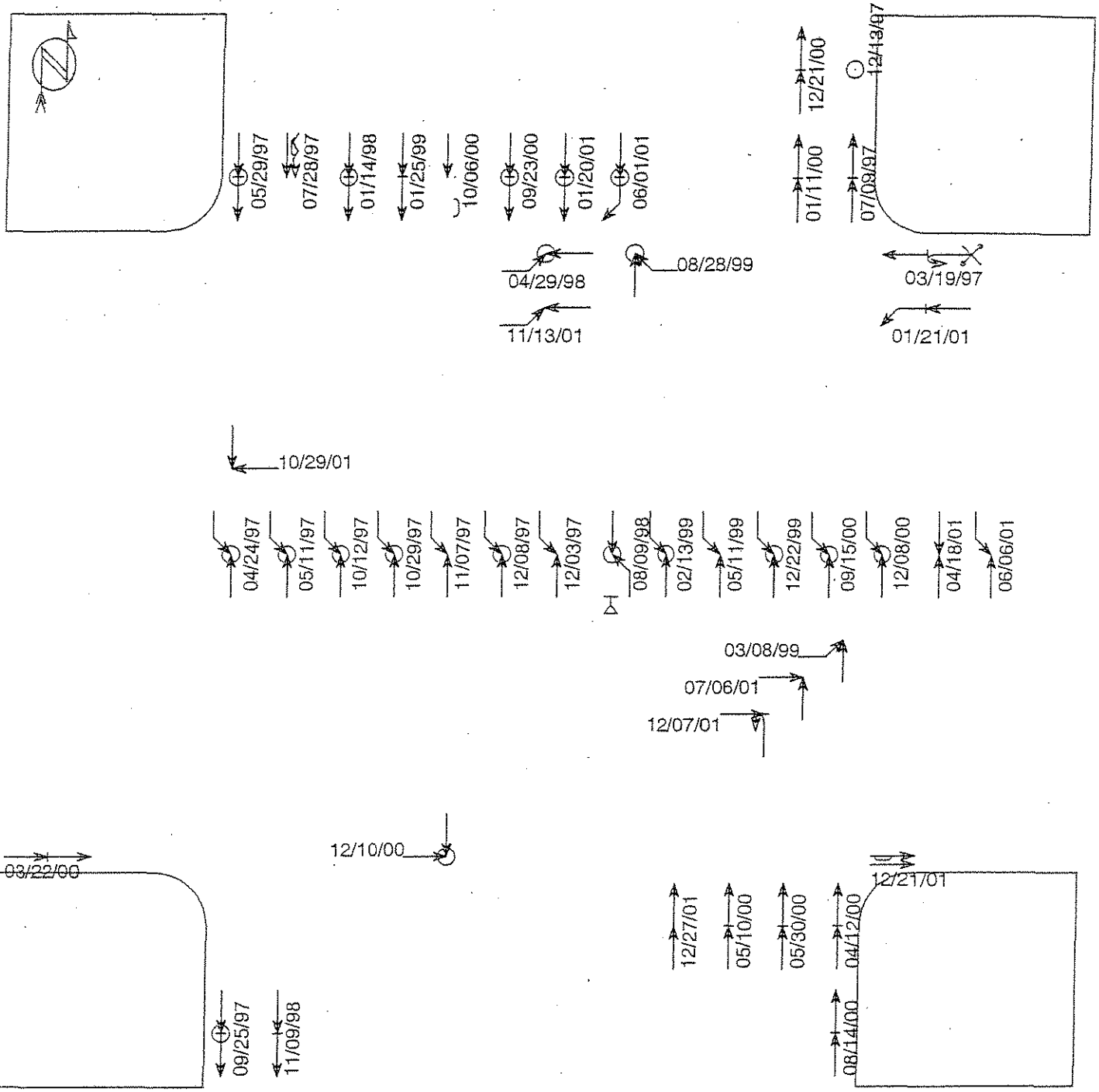
(clear filter), (0) accidents with insufficient data for display

Straight	Parked	Pedestrian	Fixed objects:
Stopped	Erratic	Bicycle	General, Pole
Unknown	Out of control	Injury	Signal, Curb
Backing	Right turn	Fatality	Tree, Animal
Overtaking	Left turn	Nighttime	3rd vehicle
Sideswipe	U-turn	DUI	Extra data

EXHIBIT 5

El Vista Ave & Encina Ave

46 Accidents 01/01/95 - 12/27/01



(clear filter), (0) accidents with insufficient data for display

Straight	Parked	Pedestrian	Fixed objects:
Stopped	Erratic	Bicycle	General, Pole
Unknown	Out of control	Injury	Signal, Curb
Backing	Right turn	Fatality	Tree, Animal
Overtaking	Left turn	Nighttime	3rd vehicle
Sideswipe	U-turn	DUI	Extra data

EXHIBIT 6

ENCINA / LA LOMA NEIGHBORHOOD
TRAFFIC CALMING PLAN

LEGEND

- YIELD
- STOPS
- PROPOSED STOPS
- PROPOSED SPEED CUSHIONS
- EXISTING SPEED HUMP
- LIGHTED CROSSWALK
- SIGNALS
- ROUNDABOUT

ADDITIONAL POTENTIAL TRAFFIC CALMING MEASURES

1. NEW CENTER LINES AND FOG LINES ON ENCINA AVENUE.
2. LIGHTED CROSSWALK ON ENCINA AVE. AT SEAGULL WAY.
3. REPLACE PEDESTRIAN SIGNS WITH FLOURESCENT GREEN SCHOOL CROSSING SIGNS.

EXHIBIT 7

ENGINEER'S ESTIMATE
Encina/La Loma Traffic Calming Plan

PHASE I

Item No.	Item Description	Quantity	Unit	Unit Price	Total Price
1	Preliminary Engineering	LS	LS	$3,000.00	$3,000.00
2	Speed Cushions	3	EA	5,000.00	$15,000.00
3	Misc. Signs and Striping	LS	LS	15,000.00	$15,000.00
	Subtotal Contract Items Phase I:				$33,000.00
	Contingencies:				$3,000.00
	Phase I Contract Total:				**$36,000.00**

PHASE II

				8.00	
	AREA CALC; STREET LENGTH	320	FT	R-VALUE = 40	
	WIDTH	56	FT		
		17920	SF		
	ASPHALT THICKNESS	0.4	FT =	4.80	IN
	BASE THICKNESS	0.65	FT =	7.80	IN

NO.	DESCRIPTION	Quantity	Unit	Unit Price	Total Price
1	Overlay				
2	Paint Binder	0.7	T	300.00	210
3	Wedge Plane	752	LF	1.00	752
4	Asphalt Concrete	530	T	45.00	23,850
5	Prime Coat	2	T	300.00	600
6	Aggregate Base	431	CY	25.00	10,775
7	Excavation	696	CY	20.00	13,920
8	Curb and Gutter	640	LF	15.00	9,600
9	Sidewalk	3200	SF	3.00	9,600
10	Curb returns	2	EA	1,000.00	2,000
11	Handicapped Ramps	2	EA	1,500.00	3,000
12	Street Lights	2	EA	5,000.00	10,000
13	Roundabout	1	EA	100,000.00	$100,000.00
14	Lighted Crosswalk	1	EA	30,000.00	$30,000.00
15	Speed Cushions	3	EA	5,000.00	$15,000.00
16	Mis. Materials & labor, including: traffic control, barricades,	LS	LS	10,000.00	$10,000.00
17	Budget Contingency	20	PCT.	0.20	47,861
		EXPENDITURE CODE			
	CONSTRUCTION CONTRACT PHASE II	6040			287,168
				PERCENT	
	ENGINEERING/DESIGN/ADMINISTRATION	6010		12%	34,460
	CONSTRUCTION ADMINISTRATION	6060		10%	28,716
	CONSTRUCTION CONTINGENCY	6050		5%	14,358
	Phase II Contract Total:				**$365,000**

PHASE III

Item No.	Item Description	Quantity	Unit	Unit Price	Total Price
1	Preliminary Engineering	LS	LS	$10,000.00	$10,000.00
2	Roundabout	1	EA	100,000.00	$100,000.00
3	Misc. Signs and Striping	LS	LS	7,000.00	$7,000.00
	Subtotal Contract Items Phase I:				$117,000.00
	Contingencies:				$8,000.00
	Construction Engineering				$7,000.00
	Phase III Contract Total:				**$132,000.00**

PROJECT TOTAL PHASES I, II, and III $533,000.00

STATEMENT OF EXEMPTION

To: ☐ **Office of Planning and Research**
1400 Tenth St., Room 121
Sacramento, CA 95814

From: **City of Modesto**
P.O. Box 642
Modesto, CA 95353

☑ **County Clerk**
County of Stanislaus

EA/ET No: 2002-36

Project Title: Encina/La Loma Neighborhood Traffic-Calming Plan

Project Location – Specific: Encina, Roble, Haddon and Miller Avenues will receive speed cushions; Edgebrook/Buena Vista and LaLoma/Buena Vista will receive roundabouts. In addition, a lighted crosswalk will be installed at Encina and Seagull Way.

Project Location – City: Modesto

Project Location – County: Stanislaus

Description of Nature, Purpose, and Beneficiaries of Project: The project will install lighted crosswalks, roundabouts and speed cushions in various sites in the Encina/LaLoma Area Neighborhoods.

Name of Public Agency Approving Project:

City of Modesto

Name of Person or Agency Carrying Out Project: Dean Phillips, Sr. Civil Engineer
City of Modesto

Exempt Status: (*check one*)

[ ] Ministerial (Sec. 21080(b)(1); 15268);
[ ] Declared Emergency (Sec. 21080(b)(3); 15269(a));
[ ] Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical 15301 Class 1 (c)
[ ] Other

Reasons Why Project is Exempt:

1. Repair, maintenance, or minor alteration of existing roadways.
2. No increase in capacity will be given as a part of this project.

Contact Person: Dean Phillips

Area Code/Telephone: (209) 577-5260

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☑ No

Date Received for Filing: November 21, 2002

Signature: _____ Title Sr. Civil Engineer
Dean Phillips

City of Modesto
Initial Study

Revised Mira Loma Vesting Tentative Subdivision Map

EA/CDD 2002-61

October 28, 2002

I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:
Public Hearing - Application No. P-TSM-02-007 by Sutco Construction For a Revised Vesting Tentative Subdivision Map, Mira Loma, to divide 5.1 acres into 25 single-family lots, property located at the northeast corner of N. Conejo and Julian Avenues.

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person, address and phone number:
Brad Wall
City of Modesto Community Development Department
1010 10th Street, Suite 3100
Modesto, CA 95353
(209) 577-5282

D. Project Location:
Northeast corner of N. Conejo and Julian Avenues.

E. Project Sponsor:
Ridge Sutter
Sutco Construction
P.O. Box 3520
Modesto, CA 95352

F. General Plan Designation:
Residential (R)

G. Current Zoning:
Low Density Residential (R-1)

H. Description of Proposed Project:
This is a review of an application for a revised vesting tentative subdivision map, to divide 5.1 acres into 25 single-family lots, located at the northeast corner of N. Conejo and Julian Avenues. The proposed subdivision would provide an indirect connection of Encina Avenue, through the project site, by extending Fusco Avenue north and completing the Julian Avenue street section west to N. Conejo. The areas surrounding the proposed subdivision are developed with residential uses, except that La Loma Jr. High School exists immediately to the west.

I. Surrounding land uses: (See "H." above.)

J. Other public agencies whose approval is required: None.

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR (MEIR) for the General Plan. Following is an analysis of how this project conforms to the analysis contained within the MEIR.

A. Traffic and Circulation

The proposed subdivision, which would provide an indirect connection of Encina Avenue through the project site, will not contribute significantly to increased traffic in the neighborhoods surrounding the project site. The proposed development is consistent with the Traffic and Circulation Needs section of the MEIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-38) are valid for this project.

B. Degradation of Air Quality

The air quality impacts for the proposed subdivision are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, the proposed subdivision would not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are still valid.

C. Generation of Noise

The proposed subdivision is adjacent to and surrounded by urban development. The adjacent developed neighborhood consists of residential uses. No significant noise impacts will be generated as a result of the proposed subdivision, nor will the adjacent neighborhood be impacted as a result of this use. The subdivision would not create additional significant noise impacts, and Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.

D. Loss of Productive Agricultural Land

The project area is located in an urbanized portion of Modesto, and there are no agricultural lands affected by this project. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. Increased Demand for Water Supplies

The proposed subdivision is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure (if any) to provide water service to the site. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are still valid.

F. Increased Demand for Sanitary Sewer Services

The proposed subdivision is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure (if any) to provide sanitary sewer service to the project site. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The proposed subdivision is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

H. Disturbance of Archaeological and Historic Sites

Because the proposed subdivision would not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

I. Drainage, Flooding and Water Quality

The proposed subdivision will not present any new impacts that have not already been addressed in the MEIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

J. Increased Demand for Storm Drainage

The proposed subdivision is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure to provide for adequate storm drainage. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are still valid.

K. Increased Demand for Parks and Open Space

The MEIR concluded that demand for parks and open space would be mitigated through the payment of Capital Facilities Fees (CFF) for new development, which would be used for the development of new parks. Since the City's CFF program applies to this project, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are still valid.

L. Increased Demand for Schools

The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Because the proposed subdivision would be required to pay these fees, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

M. Increased Demand for Police Services

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are still valid.

N. Increased Demand for Fire Services

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are still valid.

O. Generation of Solid Waste

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are still valid.

P. Generation of Hazardous Materials

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-15) are still valid.

Q. Landslides and Seismic Activity

The proposed project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-1-11) are still valid.

R. Energy

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

1. The proposed project is within the scope of the General Plan Master EIR (SCH No. 92052017).

2. The project will have no new effects that were not examined in the Modesto Urban Area General Plan Master EIR and no new mitigation measures would be required.

3. There are no substantial changes proposed in the project that will require major revisions of the Modesto Urban Area General Plan Master EIR.

4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions of the Modesto Urban Area General Plan Master EIR.

5. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Modesto Urban Area General Plan Master EIR was certified as complete, has become available.

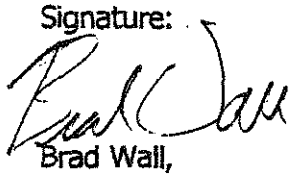
6. As per sections 15162 and 15177 of the CEQA Guidelines, this activity is within the scope of the projects covered by the Modesto Urban Area General Plan Master EIR and no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

7. There are no specific features that are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.

8. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

9. This Initial Study provides substantial evidence to support findings 1 through 8 above.

Signature:



Brad Wall,
Associate Planner

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-600

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to establish the following classification:

Water Quality Control Maintenance Supervisor

As a result of a classification consolidation of the Plant Maintenance Supervisor and Secondary Site Facilities Supervisor, the job specification for Water Quality Control Maintenance Supervisor (Range 432), assigned to the Management and Confidential Bargaining Unit, and shown on attached **Exhibit "A"**, which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Risk Manager

This classification is being amended as a result of the updating of the job specification in preparation of opening a recruitment. The specification for the classification of Risk Manager, as shown as **Exhibit "B"**, which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 3. CLASSIFICATIONS DELETED. The Position Classification Plan of the City of Modesto is hereby amended to delete the following classifications:

Plant Maintenance Supervisor

Secondary Treatment Facilities Supervisor

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after December 3, 2002.

The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Frohman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

DECEMBER 2002
NO. 2382

EXHIBIT "A"
CITY OF MODESTO

WATER QUALITY CONTROL MAINTENANCE SUPERVISOR

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are **not** intended to reflect all duties performed within the job.

DEFINITION

To assign and supervise the work of crews engaged in a variety of wastewater maintenance, compost site operations, ranch maintenance, repair and/or construction work; and to provide staff assistance to higher level management staff.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level supervisory and management staff.

Exercises direct supervision over maintenance and repair staff.

May provide supervision to technical support staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

Essential and other important responsibilities may include, but are not limited to, the following:

Plan, prioritize, assign, supervise, and review the work of staff involved in the operations, maintenance, repair and reconstruction of City facilities, infrastructure, equipment, grounds, and land.

Assist in estimating and scheduling work to be done and in determining type and quantities needed for such work.

Assist in project management.

Develop and maintain preventative maintenance, asset and equipment inventory programs.

Supervise the use of special equipment involved in maintenance and repair work.

Oversee spraying of pesticides, herbicides, and insecticides.

Coach and evaluate subordinate staff on work performance.

Evaluate maintenance, operations and activities of assigned responsibilities, recommend improvements and modifications; prepare various reports on maintenance, operations and activities.

Assist in developing and administering work unit and/or Division budget.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Coordinate work unit safety program including ensuring that training is provided as appropriate.

Provide training for staff in the full range of maintenance, repair, and construction duties.

Oversee operation of a full range of heavy and light equipment as needed such as backhoes, loaders, dump trucks, and various trucks.

Oversee subordinate staff in the inspection of work sites before, during and after completion to assure such is completed in a satisfactory and thorough manner.

Provide technical advice and assistance to subordinate staff.

Maintain time, material, and equipment use records.

Requisition supplies and materials.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices, equipment and elements of maintenance technology as they relate to the assigned maintenance, construction, operations, and repair activities.

Types and level of maintenance and repair activities generally performed in a wastewater treatment, compost and land disposal program.

Principles of supervision, training, and performance evaluation.

Safe work practices.

Pertinent sections of health safety and labor codes.

Word processing and spreadsheet applications, and Internet usage necessary for job performance.

English composition and technical report writing.

Cost accounting.

Ability to:

Plan, estimate, direct, coordinate, schedule and review the work of others.

Operate and maintain equipment and tools used in the field.

Identify and implement effective courses of action to complete assigned work.

Keep records and make reports.

Supervise, train and evaluate assigned staff.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative-working relationships with those contacted in the course of work.

Coordinate work assignments with other divisions, departments, agencies and volunteer groups.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible experience performing plant maintenance, construction and maintenance work in the assigned area of responsibility, which is either the primary or secondary site, including two years of supervisory or four years of lead or journey responsibility.

Training:

Equivalent to completion of the twelfth grade.

License or Certificate:

Possession of, or ability to obtain, an appropriate valid California driver's license.

Possession of a Qualified Applicator Certificate issued by California State Department of Pesticide Regulation Program within one year of appointment.

Possession of a Grade II or higher certification in Mechanical Technologist issued by the California Water Environment Association (CWEA) is desirable.

Possession of a valid Grade II or higher Wastewater Treatment Plant Operation certificate issues by the California State Water Resources Control Board is desirable.

WORKING CONDITIONS

Environmental Conditions:

Field environment, hot and cold temperatures, and inclement weather.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time, and operating vehicles.

December 2002
NO. 2307

EXHIBIT "B"
CITY OF MODESTO

RISK MANAGER

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To plan, organize, lead and coordinate the city's workers' compensation program, liability and property program, occupational medical program, employee benefits program; to manage and supervise the staff assigned to the Risk Management Division; and to provide highly responsible and complex administrative support to the Personnel Director.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Personnel Director.

Exercises direct supervision over professional, technical and clerical staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Oversee the development, planning and implementation of the risk management function in support of department goals and objectives; recommend and administer policies and procedures.

Provide administrative support to the Director; assist with special projects as assigned; prepare complex and sensitive reports related to the risk management function.

Participate in recommending the appointment of personnel; provide or coordinate staff training, work with employees to improve performance; implement discipline procedures as necessary.

Ensure compliance with applicable State laws and regulations.

Implement and maintain appropriate risk financing techniques, including maintaining adequate monetary reserves and departmental cost allocation plans.

Evaluate and act on opportunities for improvement in service delivery or operations for he division.

Ensure the City's immunities are properly utilized; ensuring appropriate risk control techniques are implemented.

Review insurance documents, contracts and leases to ensure the City is not assuming undo risk and appropriate risk transfer techniques are implemented.

Provide management information and technical expertise to departmental management for risk control purposes.

Manage the occupational medical program for the organization to provide medical care for pre-employment, in-service, and annual examinations and workers' compensation treatment.

Negotiate and administer employee benefit plans.

Develop and monitor the annual budget for the division including researching historical budget performance; developing revenue and expenditure estimates.

Direct, oversee and participate in the development of the Department's work plan; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Negotiate adjustments and settlements of uninsured losses and insured losses involving damage to City property.

Analyze trends in liability coverages and case law; make recommendations for the needed coverage, purchase, loss reduction and cost; review contracts and agreements relating to insurances.

Supervise and investigate claims; direct and assist in preparing cases for litigation.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Liability, workers' compensation, property and employee benefits insurance coverages.

Principles, practices and techniques of establishing, maintaining, and modifying a comprehensive risk management program.

The records and reports necessary in the risk management field.

Worker's Compensation Law and claims administration.

Records and procedures relating to court actions on risk management matters.

Principles and practices of budget preparation and administration.

Principles and practices of organization, administration and personnel management.

Ability to:

Plan, organize and develop risk management and loss prevention programs.

Develop, implement and coordinate effective programs for safety and training.

Analyze and interpret a variety of complex insurance, medical and legal documents.

Prepare clear and concise reports.

Analyze problems, identify alternative solutions, and project consequences of proposed actions and implement recommendations in support of organizational goals.

Prepare and administer the division budgets and control budget expenditures.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Effectively manage assigned area of the departmental program.

Supervise, evaluate, train and coach assigned staff.

Interpret and apply pertinent laws, rules and regulations.

Gain cooperation through discussion and persuasion.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of responsible experience involving the program management of a combination of programs including: workers' compensation, liability and property, occupational medical, and/or employee benefits. At least two years of the experience must include administrative and supervisory responsibility.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in business or public administration or a related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license. Possession of an Associate in Risk Management (ARM) certificate is highly desirable and may substitute for one year of the required education. Possession of a Certified Professional in Disability Management (CPDM) is also highly desirable.

WORKING CONDITIONS:

Environmental Conditions:

Office and field environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition for sitting for Prolonged periods of time; attending meetings; using a personal computer and related office equipment and traveling from site to site.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-601

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2002-307 TO AMEND THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGE FOR THE CLASSIFICATION OF WATER QUALITY CONTROL MAINTENANCE SUPERVISOR EFFECTIVE DECEMBER 3, 2002.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2002-307,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. AMENDMENT TO RESOLUTION NO. 2002-307. **Exhibit "A"** entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 18, 2002", is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective December 3, 2002, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" establishes the salary range for Water Quality Control Maintenance Supervisor at Range 432.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after December 3, 2002.

The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Frohman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **December 3, 2002**

RANGE	TITLE
403	Administrative Office Assistant I (Confidential)
407	Administrative Office Assistant II (Confidential)
408	
409	
410	
411	Administrative Office Assistant III (Confidential) Police Clerk II (Confidential)
412	
413	Senior Personnel Clerk
414	
415	Senior Administrative Office Assistant (Confidential)
416	
417	
418	Legal Secretary
419	Police Training and Records Technician (Confidential) Public Information Technician (Confidential)
420	Accountant I (Confidential) Deputy City Clerk Employee Benefits Coordinator Executive Secretary Legal Services Technician Systems Technician Workers' Compensation Claims Examiner I
421	

RANGE	TITLE
422	Office Supervisor Utility Dispatch Supervisor
423	Custodian Supervisor
424	Assistant Planner Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant Paralegal
426	Police Support Services Supervisor Stores Manager
427	Assistant City Clerk/Auditor Legal Services Administrator
428	Accountant II Customer Services Specialist Customer Services Supervisor Senior Buyer
429	
430	Associate Planner Events Supervisor I Junior Civil Engineer Senior Crime Analyst Social Services Program Supervisor
431	Administrative Analyst II Assistant Risk Manager Budget Analyst I Geographic Information Systems Analyst Personnel Analyst Recycling Program Coordinator Senior Community Development Program Specialist Systems Analyst

RANGE	TITLE
432	Communications Specialist Industrial Waste Supervisor Neighborhood Preservation Supervisor Operations and Maintenance Supervisor Recreation Supervisor II Senior Accountant **Water Quality Control Maintenance Supervisor** Water Quality Control Operations Supervisor Youth Program Supervisor
433	Organizational Development Specialist
434	Arborist Assistant Civil Engineer Assistant Traffic Engineer Budget Analyst II Electrical Supervisor Events Supervisor II Geographic Information Systems Coordinator Operations Supervisor SCADA Supervisor Senior Housing Rehabilitation Specialist Senior Programmer Analyst
435	Business Analyst Cultural Services Manager Integrated Waste Specialist Management Analyst Senior Personnel Analyst
436	Senior Planner
437	Deputy City Attorney I

RANGE	TITLE
438	Budget Officer
	Communications and Marketing Manager
	Development and Operations Coordinator
	Financial/Investment Officer
	Housing Program Supervisor
	Land Surveyor
	Property Agent
	Purchasing Supervisor
	Systems Engineer
	Transportation Planner
439	Administrative Services Officer
	Community Facilities Districts Administrative Officer
440	Associate Civil Engineer
	Associate Traffic Engineer
441	Airport Manager
	Assistant Personnel Director
	Building Maintenance Superintendent
	Deputy City Attorney II
	Fire Marshal
	Fleet Manager
	Golf Services Manager
	Parks Operations Superintendent
	Parks Planning and Development Manager
	Police Records Manager
	Recreation Superintendent
	Risk Manager
	Solid Waste Program Manager
	Streets Engineer
	Transit Manager
	Urban Forestry Superintendent
	Wastewater Collections Superintendent
	Water Superintendent
442	Customer Services Division Manager
	Information Services Manager
	Manager of Budget and Financial Analysis
	Supervising Building Inspector
	Supervising Construction Inspector

RANGE	TITLE
443	Senior Deputy City Attorney I
444	Business Development Manager Deputy Chief Building Official General Services Manager Principal Planner
445	Accounting Division Manager Housing and Neighborhoods Division Manager
446	Water Quality Control Superintendent
447	Assistant to City Manager Chief Building Official Planning Division Manager Senior Civil Engineer Traffic Engineer
448	
449	Senior Deputy City Attorney II
450	
451	
452	Deputy Director – Cultural and Enterprise Services Deputy Director – Engineering & Transportation Deputy Director of Finance Deputy Director – Operations and Maintenance Deputy Director – Recreation and Neighborhoods
453	
455	Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-602

Print

A RESOLUTION AMENDING THE SPECIAL ASSIGNMENT OF POLICE DEPUTY CHIEF TO SPECIAL ASSIGNMENT OF ASSISTANT CHIEF OF POLICE, MAINTAINING THE 7.5% SALARY DIFFERENTIAL AND RESCINDING RESOLUTION NO. 98-271.

WHEREAS, the Modesto Police Department continues to see significant growth and currently has 367 full-time employees, and

WHEREAS, this growth in staffing has resulted in significant increases in the resources managed and in the span of control of key staff, and

WHEREAS, on May 26, 1998 by Resolution No. 98-271, Council adopted the Special Assignment of Police Deputy Chief, to provide necessary leadership in the Police Department, and

WHEREAS, by agenda report dated November 13, 2002, the Personnel Department is recommending that the title of Special Assignment of Police Deputy Chief be changed to Special Assignment of Assistant Chief of Police to maintain the 7.5 % special assignment pay differential between Police Captain and Assistant Chief of Police set forth in **Exhibit "A"** attached hereto and made a part of hereof by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves that the title of Special Assignment of Police Deputy Chief be changed to Special Assignment of Assistant Chief of Police to maintain the 7.5% special assignment pay differential between Police Captain and Assistant Chief of Police set forth in **Exhibit "A"** attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED, that Resolution No. 98-271 adopted May 26, 1998, is hereby rescinded and that this resolution shall become effective on an after December 3, 2002.

The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Frohman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

ASSISTANT CHIEF OF POLICE
SPECIAL ASSIGNMENT

Subject to the approval of the City Manager, the Police Chief shall have the authority to appoint employees to the assignment of Assistant Chief of Police, as follows:

This assignment shall be made from among employees in, or hired into, the classification of Police Captain.

At the Chief's discretion, appointment to the special assignment may be made with, or without, a competitive examination. Once appointed to the assignment of Assistant Chief of Police, the employee shall hold said assignment at the will and pleasure of the Police Chief. Terms and conditions of the assignment shall be at the Chief's discretion. An employee so assigned shall be retained in the classification of Captain, concurrent with the special assignment.

Employees assigned as Assistant Chief of Police shall be compensated at 7.5% above the class of Captain. All benefits for Assistant Chief of Police shall be commensurate with those provided to Police Captain.

If the Police Chief removes an employee (or an employee resigns) from such a special assignment, the employee shall continue to retain status in the class of Captain (except if the reasons for removal are cause for dismissal). If removed from such a special assignment, the employee shall have no right of appeal or grievance. A Captain's salary step placement upon returning to a standard Captain's position shall be determined by the Chief, but shall not be lower than the last step held prior to appointment to the special appointment.

The total number of special assignments shall be at the sole discretion of the City Manager.

11-14-02

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-603

CONSIDER AUTHORIZING THE AWARD OF BULK FUEL TO THE FOLLOWING VENDORS; BOYETT PETROLEUM, MODESTO, CA FOR ULTRA LOW SULPHURIC DIESEL; W. H. BRESHEARS, MODESTO, CA FOR #2 CLEAR DIESEL; AND SOUTHERN COUNTIES, ORANGE, CA FOR UNLEADED FUEL FOR AN INITIAL TWO (2) YEAR PERIOD WITH THE OPTION TO RENEW THE CONTRACT PRICING FOR THREE (3) ADDITIONAL ONE-YEAR PERIODS. THE ANTICIPATED ANNUAL COST IS $722,000.00

WHEREAS, Fleet Services and the Fire Department maintain fuel storage tanks for bus and fire apparatus fueling, and

WHEREAS, the Purchasing Division, with Council's approval solicited bids for bulk fuel and lubricants, and

WHEREAS, the bid provides for contract pricing for an initial two (2) years with the option to renew the contract pricing for three (3) additional one-year periods, and

WHEREAS, the Finance Director, after an evaluation of bids received, has recommended the bids of Boyett Petroleum for Ultra Low Sulphuric Diesel; W. H. Breshears for #2 Clear Diesel; and Southern Counties for Unleaded fuel be accepted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the purchase of bulk fuel from Boyett Petroleum for Ultra Low Sulphuric Diesel; W. H. Breshears for #2 Clear Diesel; and Southern Counties for Unleaded fuel is hereby approved.

BE IT FURTHER RESOLVED that the Council hereby authorizes the resulting contract pricing for a period of two (2) years with three (3) one-year extension options.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Frohman

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-604

CONSIDER AUTHORIZING THE AWARD OF LUBRICANTS BY PRODUCT GROUP TO E.R. VINE AND SONS, CERES, CA FOR GEAR ,CRANKCASE AND HYDRAULIC OIL, TRANSMISSION AND BRAKE FLUID, COOLANT AND SOLVENT; AND TO W.H. BRESHEARS, MODESTO, CA FOR MULTIPURPOSE GREASE FOR AN INITIAL TWO (2) YEAR PERIOD WITH THE OPTION TO RENEW THE CONTRACT PRICING FOR THREE (3) ADDITIONAL ONE-YEAR PERIODS. THE ANTICIPATED ANNUAL COST IS $66,400.00.

WHEREAS, Fleet Services and the Fire Department maintain lubricants for fleet maintenance, and

WHEREAS, the Purchasing Division, with Council's approval solicited bids for bulk fuel and lubricants, and

WHEREAS, the bid provides for contract pricing for an initial two (2) years with the option to renew the contract pricing for three (3) additional one-year periods, and

WHEREAS, the Finance Director, after an evaluation of bids received, has recommended the award of bids by product group bids to; E.R. Vine and Sons for: gear, crankcase and hydraulic oil, transmission and brake fluid, coolant and solvent; and W.H. Breshers for multipurpose grease,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the purchase of lubricants from E.R. Vine and Sons, Ceres, CA for gear, crankcase and hydraulic oil, transmission and brake fluid, coolant and solvent; and from W.H. Breshears, Modesto, CA for multipurpose grease is hereby approved.

BE IT FURTHER RESOLVED that the Council hereby authorizes the resulting contract pricing for a period of two (2) years with three (3) one-year extension options.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Frohman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-605

A RESOLUTION AUTHORIZING THE AWARD OF SOFT START STARTERS TO WILLIE ELECTRIC SUPPLY, MODESTO, CA, FOR A PERIOD OF THREE (3) YEARS, WITH TWO (2), ADDITIONAL ONE-YEAR EXTENSION OPTIONS

WHEREAS, the Operations and Maintenance Department is responsible for maintaining the City water systems, and

WHEREAS, the Operations and Maintenance Department has requested the purchase of soft start starters, which are used to reduce the draw of electrical current from the utility district, and

WHEREAS, the soft start starters will be used to replace existing autotransformers which are failing, and

WHEREAS, by Resolution No. 2002-401, Council authorized the solicitation of formal bids for Soft Start Starters, and

WHEREAS, the Purchasing Division solicited formal bids for Soft Start Starters from eleven (11) vendors with three (3) responding to the Request for Bid (RFB) two (2) of which were deemed responsive and responsible, and

WHEREAS, Willie Electric Supply met all of the bid specifications and was deemed to be the lowest responsive and responsible bidder with a bid of $17,175.34, and

WHEREAS, staff recommends that the City award the bid for Soft Start Starters to Willie Electric Supply for a three (3) year agreement with two (2) one-year extension options, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the bid for Soft Start Starters to Willie Electric Supply, Modesto, CA for an estimated annual cost of $17,175.34 for a three (3) year agreement with two (2) one-year extension options.

The forgoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Frohman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
BY: Mike Milich
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-606

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO ISSUE A REQUEST FOR PROPOSAL (RFP) FOR AN INTERACTIVE VOICE RESPONSE (IVR) SYSTEM.

WHEREAS, the Finance Department-Customer Service Division is requesting the purchase of a Interactive Voice Response (IVR) System for utility billing, and

WHEREAS, an IVR System is a user friendly system that will allow any caller with a touch tone phone to access and retrieve automated account information via electronic mail or fax 24 hours a day, 7 days a week upon entering his account number, and

WHEREAS, information such as the current balance and the date of last payment can be quickly retrieved in both English and Spanish, and

WHEREAS, other IVR options include paying by credit card, which would be applied immediately to the account with complete card verification and system audit reports, and

WHEREAS, customers who need additional assistance can be routed to voice information messages explaining payment procedures and outage reporting, or transferred directly to a customer service agent during support hours, and

WHEREAS, primary services administered by Customer Service include the utility billing for water, sewer, garbage, and storm drainage fees, and

WHEREAS, Customer Service averages 340 calls daily during business hours of 7:30 A.M. to 5:00 P.M., and

WHEREAS, currently calls are routed through a NEC rotation hunt group that continues to rotate until it finds an open telephone line, and customers remain on hold

and receive messages to wait for the next available customer service representative until a telephone line becomes available, and

WHEREAS, the Customer Services Division receives approximately 30 requests per day from citizens who want to pay their utility bills by telephone, and

WHEREAS, the chosen IVR System will also have the capability of future expansion to other City of Modesto applications including but not limited to, Building Permits, Business License, and Parking Citations, and

WHEREAS, IVR benefits to the City of Modesto include a reduction in the number of customer calls for account status, and a saving of staff time spent disconnecting and reconnecting services due to the availability of making payments via telephone, and

WHEREAS, benefits to the citizens include 24/7 accessibility of account information in both English and Spanish, reduction of waste time on the telephone, and it may save a trip to the customer Service Division to make the payment at the counter, and

WHEREAS, additional benefits are, payment extensions by telephone, and the convenience of credit card payment by telephone, perhaps avoiding disconnection of service, and

WHEREAS, by soliciting competitive bids for Interactive Voice Response (IVR) System, the Finance Department, Purchasing Division will comply with the Modesto Municipal Code, Section 8-3.204, regarding formal bid procedures,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that formal solicitation of bids for an Interactive Voice Response (IVR) System is hereby approved as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for an Interactive Voice Response (IVR) System to be opened in the City Clerk, 1010 10TH Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to Council.

The forgoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Frohman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
BY: Michael D. Milich
Michael D. Milich, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-607

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "MPD TRAINING FACILITY – 3000 WEST MAIN STREET IMPROVEMENTS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled "MPD Training Facility – 3000 West Main Street Improvements", has been completed by George Reed, Inc., in accordance with the contract agreement dated July 9, 2002,

NOW, THEREFORE, BE IT RESOLVED that the "MPD Training Facility – 3000 West Main Street Improvements" project be accepted from said contractor, George Reed, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $105,365.65 as provided in the contract, be authorized.

The forgoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Frohman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-608

A RESOLUTION AUTHORIZING THE CITY MANAGER TO TERMINATE CABLE CASTING OF MODESTO JUNIOR COLLEGE PROGRAMMING ON THE EDUCATION ACCESS CHANNEL ON ACCESSMODESTO.

WHEREAS, the transition of the Public-Education-Government (PEG) operation from AT&T Broadband to the City of Modesto in May 2001 has placed the financial responsibility and liability of the entire PEG operation onto the City, and

WHEREAS, as a result of this transition City staff has worked to develop partnerships for the continued operation of a successful PEG operation, specifically with regard to the Education and Government Access Channels, and

WHEREAS, the City has made several attempts to reach a mutual cost-sharing agreement with Modesto Junior College (MJC) for the cable casting of MJC Tele-courses on the Education Access Channel on AccessModesto, and

WHEREAS, it has been determined that MJC generates nearly $1 million annually through enrollment of their Tele-courses aired on the Education Access Channel, and

WHEREAS, City staff has developed a plan that will provide an equal split among the partners on the Education and Government Access Channels, and will be reapportioned as major contributors join the partnership, and

WHEREAS, MJC will not commit to the necessary funding needed to offset the cost of the college's portion of airing Tele-course programming from its campuses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to terminate the cable casting of MJC programming.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Frohman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By: Michael D. Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-609

A RESOLUTION ACCEPTING THE "STATE OF THE PAVEMENTS" REPORT FROM NICHOLS CONSULTING ENGINEERS, CHTD.

WHEREAS, Nichols Consulting Engineers Chtd., has been hired by StanCOG to do a survey of the City streets, and

WHEREAS, Nichols Consulting Engineers Chtd. has surveyed the City streets, entered the data into the Metropolitan Transportation Committee computerized pavement management program, and produced a report, and

WHEREAS, the Engineering & Transportation Director has recommended accepting the report by Nichols Consulting Engineers Chtd., and

WHEREAS, on November 14, 2002, the Economic Development Committee reviewed the report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the "State of the Pavements" report from Nichols Consulting Engineers, Chtd.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Froman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-610

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT REQUEST FOR BIDS FOR MOBILE AND PORTABLE 2-WAY COMMUNICATION RADIO REPAIR AND SERVICE, FOR FY 2002/2003 FOR A THREE (3) YEAR AGREEMENT WITH TWO (2) ONE-YEAR EXTENSION OPTIONS.

WHEREAS, the City of Modesto maintains an inventory of 250 mobile and 346 portable 2-way communication radios, and

WHEREAS, the Operations and Maintenance Department Fleet Division manages the City's inventory of mobile 2-way communication radios, and the Fire and Police departments manage the City's inventory of portable 2-way communication radios, and

WHEREAS, these radios are powered by four (4) base station transmitters and twenty-four (24) voter receivers located at various sites within the City of Modesto, and

WHEREAS, mobile and portable radios are vital communication devices used for the health and safety of the City, and

WHEREAS, the Police Department's portable radios are used to provide service in the areas of primary dispatch, back up dispatch, communications utility, and special enforcement or surveillance operations by the Gang Unit, Modesto Narcotic Enforcement Team and Tactical Patrol Units, and

WHEREAS, the anticipated "City Wide" annual cost for ongoing mobile and portable 2-way communication radio repair and service is approximately $120,390.70, and

WHEREAS, Modesto Municipal Code, Section 8-3.203, generally requires all purchases, which meet or exceed $50,000.00 for material, equipment or contractual services to be formally bid, and

WHEREAS, by soliciting competitive bids for mobile and portable 2-way communication radio repair and service, the Finance Department-Purchasing Division will comply with Modesto City Code Section 8-3.203 regarding formal bid procedures,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for mobile and portable 2-way communication radio repair and service, for FY 2002/2003 for a three (3) year agreement with two (2) one-year extension options, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the sealed bids are opened, they shall be tabulated and analyzed and a report submitted to Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman who moved its adoption, which motion being duly seconded by Councilmemeber Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By:
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-611

A RESOLUTION APPROVING A LICENSE AGREEMENT WITH MODESTO IRRIGATION DISTRICT (MID) FOR UTILIZATION OF AN EASEMENT WITHIN LATERAL NO. 6 FOR THE PURPOSE OF INSTALLING AND MAINTAINING A CLASS I NON-MOTORIZED TRAIL AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Modesto Non-Motorized Transportation Plan (the Plan) was adopted in July, 1996, and

WHEREAS, the Plan designates a Class I Non-Motorized trail to run from Tully Road to the Virginia Corridor trail along the north side of MID Lateral No. 6, and

WHEREAS, in order to plan for installation and maintenance of this trail, an agreement with MID is needed, and

WHEREAS, the Safety and Communities Committee met on December 2, 2002, and supported the recommended agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a License Agreement with Modesto Irrigation District for utilization of an easement within Lateral No. 6 for the purpose of installing and maintaining a Class I non-motorized trail.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-612

A RESOLUTION ACCEPTING A $12,000 OFFER FROM BOBBY AND SHEILA MUNIAN AS PAYMENT IN FULL ON THE COMMUNITY DEVELOPMENT BLOCK GRANT SMALL BUSINESS LOAN MADE TO SASABOBS AND RECONVEYING THE DEED OF TRUST PLACED ON THEIR PERSONAL RESIDENCE LOCATED AT 1801 BARBARA WAY IN MODESTO AND OTHER COLLATERAL, AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED DOCUMENTS.

WHEREAS, in 1994, the City Council approved a Community Development Block Grant Small Business Loan in the amount of $20,000 to Bobby and Sheila Munian, dba Sasabobs, and

WHEREAS, the original loan was approved for $20,000 and the loan was to provide for inventory, equipment, machinery, and working capital, and

WHEREAS, a deed of trust, in third position, was taken on the Munians' personal residence at 1801 Barbara Way in Modesto, with additional collateral of two automobiles, a trailer, equipment and inventory, and

WHEREAS, the loan was not fully disbursed and the loan was modified to the amount of $12,480.60 with monthly payments of $251.57 for five years, and

WHEREAS, the Munians paid on the loan less than one year, and

WHEREAS, a full payoff on the City loan would be $18,685.30 as of August, 2002, and

WHEREAS, the business was dissolved, and the Munians are now trying to sell their personal residence, and

WHEREAS, there does not appear to be sufficient funds for the City to receive a full payoff, and

WHEREAS, it is estimated that if the City accepts a $12,000 offer, the Munians will have sufficient equity to pay off the loans, the liens, and the fees associated with the sale of the home, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts a $12,000 offer from Bobby and Sheila Munian as payment in full on the Community Development Block Grant Small Business Loan made to Sasabobs and reconveying the Deed of Trust placed on their personal residence located at 1801 Barbara Way in Modesto and other collateral.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-613

A RESOLUTION INCREASING THE ENGINEERING AND TRANSPORTATION DIRECTOR'S AUTHORITY LEVEL TO ISSUE CHANGE ORDERS FROM 8% TO 27% OF THE ORIGINAL CONTRACT PRICE WITH GEORGE REED, INC. ON THE "2001-02 PAVEMENT MAINTENANCE – W. ORANGEBURG AVENUE" PROJECT

WHEREAS, on August 8, 2002, the City Council awarded a $1,133,830 contract to George Reed, Inc. to install an overlay on West Orangeburg Avenue between Martin Avenue and McHenry Avenue, and

WHEREAS, the contractor started work on September 30, 2002, and

WHEREAS, during the course of construction City staff has determined that additional areas of the existing roadway require reconstruction that was not included in the original contract, and

WHEREAS, City staff has also recommended placing an asphalt concrete leveling course along with temporary striping on the entire street area, and

WHEREAS, the estimated final cost of the extra work is approximately $252,366.00, an amount which exceeds the Director's authority for the project as established by the Council's change order policy adopted by Resolution No. 94-443, and

WHEREAS, the Director currently has authority to approve change orders up to a cumulative amount of 8% of the original contract price, or $90,706.00 in this case, and

WHEREAS, increasing the Director's change order level of authority from 8% to 27% is necessary to allow execution of change orders for the added work associated with completion of the $2001-2002 Pavement Maintenance – W. Orangeburg Avenue".

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Engineering and Transportation Director's authority level to issue change orders, from 8% to 27% of the original contract price with George Reed, Inc., for the project entitled "2001-2002 Pavement Maintenance – W. Orangeburg Avenue".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-614

A RESOLUTION ACCEPTING THE BID OF EBERT / STACY & WITBECK, A JOINT VENTURE, FOR THE PROJECT TITLED "OUTFALL REHABILITATION –PHASE II"

WHEREAS, the bids received for Outfall Rehabilitation – Phase II were opened at 11:00 a.m. on November 26, 2002, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $1,032,580 received from EBERT / STACY & WITBECK, A JOINT VENTURE, be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $1,032,580 received from EBERT / STACY & WITBECK, A JOINT VENTURE, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By Mike Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-615

A RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION (SCH #2002102114) FOR THE 9TH STREET BRIDGE REPLACEMENT IN THE CITY OF MODESTO IN THE COUNTY OF STANISLAUS AT TUOLUMNE RIVER

WHEREAS, Section 15070-15073 of the CEQA Guidelines relating to Initial Study/Mitigated Negative Declarations permits a lead agency to prepare an Initial Study/Mitigated Negative Declaration on any proposed project to analyze whether the project may cause any significant effect on the environment, and

WHEREAS, LSA Associates, Inc., under subcontract to Dokken Engineering under contract with the City, prepared an Initial Study leading to a Mitigated Negative Declaration (SCH #2002102114) which reviewed the proposed 9th Street Bridge Replacement Project and said Initial Study identified potential significant effects from the proposed project relating to Biological resources, Cultural resources, Geology, Hazardous Materials, Hydrology and Utilities, and

WHEREAS, feasible mitigation measures were incorporated to revise the subsequent project before the Initial Study/Mitigated Negative Declaration was released for public review pursuant to CEQA Section 21092 in order to avoid or mitigate the identified effects to a point where clearly no significant effect on the environment will occur, and

WHEREAS, CEQA Guidelines Section 15070 permits the adoption of Mitigated Negative Declarations when the project has been revised, so that potential significant adverse effects can be avoided or mitigated to a less than significant level.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study/Mitigated Negative Declaration prepared for the 9th Street Bridge Replacement Project, a copy of which is on file in the City Clerk's Office, and based on the substantial evidence included in said Mitigated Negative Declaration makes the following findings:

1. An Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 15070-15073 has identified potential significant environmental effects from the proposed project relating to Biological resources, Cultural resources, Geology, Hazardous Materials, Hydrology and Utilities.

   Potential Significant Environmental Effects:

   Biological Resources
   - a. Candidate, sensitive, or special status species
   - b. Riparian habitat
   - c. Federally protected wetlands
   - d. Movement of fish or wildlife species
   - e. Local policies or ordinance protecting biological resources

   Cultural Resources
   - a. Historical resource
   - b. Archaeological resource
   - c. Human Remains

   Geology and Soils
   - a. Seismic-related ground failure
   - b. Landslides
   - c. Soil erosion
   - d. Unstable soil

   Hazards
   - a. Hazardous materials sites

   Hydrology and Water Quality
   - a. Water quality standards
   - b. Existing drainage pattern
   - c. Degradation of water quality
   - d. Impede or redirect flood flows

   Utilities and Service Systems
   - a. New storm water drainage facilities

2. Feasible mitigation measures were incorporated to revise the project before the Mitigated Negative Declaration and Initial Study was released for public review in order to avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.

The City's Parks, Recreation and Neighborhoods Department and Engineering and Transportation Department reviewed the proposed project and determined the mitigation measures below will address the identified impacts.

The 30-day public review period began on October 24, 2002 and ended on November 22, 2002. Following Public Review, suggested technical revisions were made to the mitigation document to clarify and amplify the efficiency of the mitigation. Therefore, the revised mitigation will avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.

Mitigation:

The following mitigation measures summarized below (see Attachment A for detailed mitigation measures) will avoid or mitigate adverse effects:

Biological Resources

a. Mitigation Measure BIO-1: A biological reconnaissance, records search, and field surveys were performed to determine presence of special status species. Coordinated with National Marine Fisheries Service and California Department of Fish and Game to ensure their concerns will be addressed.
b. Mitigation Measure BIO-2: Fence shall be installed too prevent encroachment into the riparian areas during construction. All disturbed areas will be revegetated with riparian species in accordance with Natural Environmental Study Report.
c. Mitigation Measure BIO-3: A wetland delineation was conducted. Avoid disturbance to wetland. Replace habitat at nearby off-site location equivalent to habitat lost. Confine work in streams, wetlands to the dry season between May 1 and October 1.
d. Mitigation Measure BIO-4: The large Valley Oak west of the bridge shall be protected. Efforts shall be made to preserve existing and mature native trees.

Cultural Resources

a. Mitigation Measure CULT-1: Cultural resource evaluation concluded that there are no structures or places deemed as historically significant.

b. Mitigation Measure CULT-2: Historic and pre-historic surveys were conducted.

Geology and Soils

a. Mitigation Measure GEO-1: The new bridge will meet current seismic design standards, replacing the existing bridge that does not meet those standards.

b. Mitigation Measure GEO-2: Best Management Practices shall be incorporated during construction

Hazards

c. Mitigation Measure HAZ-1: An Initial Site Assessment was conducted, and a general site reconnaissance was conducted for the presence of hazardous materials and toxic substances.

a. Mitigation Measure HAZ-2: Contractor shall comply with Contract Specification requiring lead paint containment and debris control.

Hydrology and Water Quality

a. Mitigation Measure HYDRO-1: The project is required to adhere to the Nationwide Permit and Streambed Alteration Agreement processes. Compliance with the National Pollution Discharge Elimination System permit is required.

b. Mitigation Measure HYDRO-2: The sandbar on the south bank shall be restored to preconstruction conditions.

c. Mitigation Measure HYDRO-3: Existing pilings shall be removed by an extractor rather than being dug out.

d. Mitigation Measure HYDRO-4: A hydrologic and hydraulic analysis was prepared to ensure that the flood plain is not adversely impacted and that the bridge structures withstand flooding pressure.

Noise

a. Mitigation Measure NOI-1: Noise level from the Contractor's operations between 9:00 p.m. and 7:00 a.m. shall not exceed 86 dBA at a distance of 15 meters.

Utilities and Service Systems

a. Mitigation Measure Util-1: A positive storm drainage system is included in the project design and will collect storm water runoff from the bridge deck into an enclosed drainage system and discharge onto the ground below the bridge.

3. There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment (CEQA Section 21064.5(2)).

4. Based on the above-referenced Initial Study and feasible mitigation measures incorporated to revise the proposed project in order to avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment will occur, staff finds that a Mitigated Negative Declaration should be adopted pursuant to CEQA Section 15070-15073 for the proposed 9th Street Bridge Replacement Project.

5. Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described above have been added to the project. A MITIGATED NEGATIVE DECLARATION will therefore be adopted.

6. The cumulative impacts of this project are consistent with those set forth in the Master EIR for the Modesto Urban Area General Plan. All appropriate mitigation measures from the Master EIR have been incorporated into the project, and no further evaluation of cumulative impacts is required as this project generates no significant cumulative impact.

7. As required by CEQA Section 21081.6 et seq., a mitigation monitoring program (see Exhibit A) will be adopted by incorporating the mitigation measures into the project plan (Section 21081.6(b)).

A copy of said Mitigated Negative Declaration (SCH NO. 2002 102 114) is on file with the City Clerk.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a notice pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO 2002-616

WAS NOT USED

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-617

Print

A RESOLUTION APPROVING THE FINAL MAP OF VILLAGE HIGHLANDS NO. 8 SUBDIVISION OF THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH INLAND VILLAGES, A CALIFORNIA GENERAL PARTNERSHIP

WHEREAS, INLAND VILLAGE, a California General Partnership, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 8.58 acres, known as VILLAGE HIGHLANDS NO. 8 ("SUBDIVISION"), in the Village One Specific Plan Area, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 17th day of June, 2002, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider

has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	Frohman
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By _____
ALISON A. BARRATT-GREEN
Senior Deputy City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-618

A RESOLUTION ACCEPTING IMPROVEMENTS IN THE ORLEANS ESTATES UNIT NO. 2 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, FLORSHEIM BROS., a California General Partnership, by Florsheim Properties, a California General Partnership, is the subdivider of the Orleans Estates Unit No. 2 Subdivision, and

WHEREAS, FLORSHEIM BROS, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $880,463.10 and $440,231.55, respectively, and

WHEREAS, FLORSHEIM BROS, has filed a warranty bond in the amount of $88,046.31 to guarantee improvements in the Orleans Estates Unit No. 2 Subdivision, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file a Notice of Completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The improvements in Orleans Estates Unit No. 2 Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $880,463.10 upon recordation of the Notice of Completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $440,231.55 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $88,046.31 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-619

Print

A RESOLUTION APPROVING AN AMENDED CERTIFICATE SHEET FOR THE FINAL MAP FOR THE PAPATONE EAST SUBDIVISION IN THE VILLAGE ONE SPECIFIC PLAN AREA AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE SUBDIVISION AGREEMENT.

WHEREAS, on November 26, 2002, the City Council adopted Resolution No. 2002-582, approving the final map for the Papatone East Subdivision in the Village One Specific Plan Area ("Subdivision") and authorizing the City Manager to sign a subdivision agreement with Meritage Homes of Northern California ("Meritage Homes"), as the owner and developer of the Subdivision, as required by Section 4-4.604(c) of the Modesto Municipal Code, and

WHEREAS, on December 2, 2002, prior to recordation of the approved final map, Meritage Homes notified the City that due to an oversight during Meritage's review process, the final map incorrectly identifies it as the owner of the Subdivision, and

WHEREAS, Meritage intends to develop the Subdivision but has requested that the certificate sheet for the final map and the subdivision agreement be amended to identify its sister company, Lancelot Papatone, L.P., an Arizona Limited Partnership as the owner of Subdivision, and

WHEREAS, the final map and the amended certificate sheet have been checked and certified by the City Engineer, all subdivision bonds necessary to secure the required subdivision improvements have been submitted and approved, all fees and deposits required by the Modesto Municipal Code have been paid, and the City Attorney's office has prepared an amendment to the subdivision agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the amended certificate sheet for the final map for the Papatone East Subdivision be, and hereby is, approved and that the City Clerk be authorized to certify said amended certificate sheet and final map on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk, or their designees, are hereby authorized to execute and attest, respectively, an Amendment to the approved subdivision agreement to add Lancelot Properties, L.P., as a signatory to said agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By _____
ALISON A. BARRATT-GREEN,
Senior Deputy City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-620

Print

A RESOLUTION AUTHORIZING APPROVAL OF THE AGREEMENT ENTITLED "PRELIMINARY DESIGN SERVICES FOR PHASE 2 EXPANSION AND OPTIMIZATION OF THE MODESTO REGIONAL WATER TREATMENT PLANT" BETWEEN THE MODESTO IRRIGATION DISTRICT AND BLACK & VEATCH CORPORATION FOR PRELIMINARY DESIGN SERVICES RELATED TO THE PROPOSED EXPANSION PROJECT, INCLUDING, BUT NOT LIMITED TO, SUSPENSION OF THE AGREEMENT AT THE CONCLUSION OF THE $120,000 CONCEPT DEVELOPMENT PHASE IF A NEW TREATMENT AND DELIVERY AGREEMENT HAS NOT YET BEEN NEGOTIATED

WHEREAS, The Council of the City of Modesto approved Resolution 92-183 on April 21, 1992 authorizing the original Treatment and Delivery Agreement with the Modesto Irrigation District (MID) and the former Del Este Water Company, and

WHEREAS, the original Treatment and Delivery Agreement contemplated the design, construction, and operation of the Modesto Regional Water Treatment Plant (MRWTP) Phase 2 Expansion, and

WHEREAS, the City and MID wish to pursue the design, construction, and operation of the of the MRWTP Phase 2 Expansion, and

WHEREAS, the original Treatment and Delivery Agreement provides that the City has the authority to approve certain project milestones including, but not limited to, contracts for engineering services, and

WHEREAS, City staff has reviewed the proposed Agreement and its associated scope of work between MID and Black & Veatch Corporation (B&V) and recommends that Council authorize MID to approve the Agreement, and

WHEREAS, the proposed Agreement between MID and B&V includes provisions to perform preliminary design work during the Conceptual Design Phase for a cost not to exceed $120,000 after which MID and the City may stop all work on the contract without further obligation, and

WHERAS, engineering work beyond the $120,000 amount will not proceed without further authorization from the Council, and

WHEREAS, the Policy Committee recommended approval of the Agreement at its November 13, 2002 meeting, and

WHEREAS, the Economic Development Committee recommended approval of the Agreement at its November 14, 2002 meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes MID to approve the Agreement with B&V for preliminary design services related to the MRWTP Phase 2 Expansion project

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-621

Print

A RESOLUTION REQUIRING THE MODESTO IRRIGATION DISTRICT TO COMPLETE ALL OF THE NECESSARY ENVIRONMENTAL REVIEW WORK SUCH THAT THE MODESTO REGIONAL WATER TREATMENT PLANT PHASE 2 EXPANSION PROJECT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, The Council of the City of Modesto approved Resolution 92-183 on April 21, 1992 authorizing the original Treatment and Delivery Agreement with the Modesto Irrigation District (MID) and the former Del Este Water Company, and

WHEREAS, the original Treatment and Delivery Agreement contemplated the design, construction, and operation of the Modesto Regional Water Treatment Plant (MRWTP) Phase 2 Expansion, and

WHEREAS, the City and MID wish to pursue the design, construction, and operation of the of the MRWTP Phase 2 Expansion, and

WHEREAS, the original Treatment and Delivery Agreement provides that the City has the authority to approve certain project milestones including, but not limited to, contracts for engineering related services, and

WHEREAS, City staff did not have an opportunity to review and comment on the existing Agreement and its associated scope of work between MID and InSite Environmental (IE), thus unable to recommend its approval to the Council of the City of Modesto, resulting in granting authorization to MID to approve the Agreement, and

WHEREAS, the proposed Agreement between MID and IE includes provisions to perform the necessary environmental review work for the MRWTP Phase 2 Expansion project, and

WHEREAS, preliminary design work during the Conceptual Design Phase contracted by MID with another Consultant, for a cost not to exceed $120,000, provides that after which MID and the City may stop all work on the contract without further obligation, and

WHERAS, engineering work beyond the $120,000 amount will not proceed without further authorization from the Council, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby requires MID to complete all of the necessary environmental review work such that the MRWTP Phase 2 Expansion project complies with all of the requirements of CEQA

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-622

A RESOLUTION APPROVING THE SELECTION OF ENVIRONMENTAL SERVICE PROVIDERS TO PREPARE FOCUSED ENVIRONMENTAL IMPACT REPORTS AND PERFORM OTHER RELATED ENVIROMENTAL SERVICES

WHEREAS, from time to time, the City requires the services and expertise of Environmental Service Providers to assist the City in providing environmental documents, including but not limited to Environmental Impact Reports (EIR's), mitigated negative declarations, initial studies and special studies as required by state and federal law (California Environmental Quality Act & National Environmental Protection Act), and

WHEREAS, the current short-list of Environmental Service Providers has been in effect since December 1998 and is now due for an update, and

WHEREAS, the purpose of the short list of environmental service providers is to assist the City with the successful preparation of environmental documents in compliance with the California Environmental Quality Act (CEQA), and the National Environmental Protection Act (NEPA), to streamline the development process, and to maintain a close working relationship with City staff on an ongoing basis to standardize and improve the City's format and analytical approach to Environmental Impact Reports, leading to further project streamlining, and

WHEREAS, the City issued a Request for Qualifications on September 23, 2002, and on October 9, 2002, received eleven submittals in response, and

WHEREAS a staff consultant selection committee short-listed the eleven submittals to eight firms (Cotton/Bridges Associates, EDAW Inc., EIP Associates, Impact Sciences Inc., Jones & Stokes, Pacific Municipal Consultants, Turnstone Consulting and URS Greiner, Inc.) who were interviewed on November 15, 2002, and

WHEREAS, the Consultant Selection Committee recommends the selection of EDAW Inc., EIP Associates, Impact Sciences Inc., Jones & Stokes, Pacific Municipal Consultants and Turnstone Consulting to provide environmental services for the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the firms of EDAW Inc., EIP Associates, Impact Sciences Inc., Jones & Stokes, Pacific Municipal Consultants, and Turnstone Consulting are hereby selected to provide on-call services to prepare EIR's, mitigated negative declarations, initial studies and perform other related environmental tasks, and said selections are hereby approved for a period of three years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
BY: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-623

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JACQUELINE FORET FOR THE ACQUISITION OF PROPERTY BEING A PORTION OF ASSESSOR'S PARCEL NO. 038-06-05 FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT

WHEREAS, on March 7, 2000, the City Council of the City of Modesto, approved the 35% design for the 9th Street Bridge Replacement Project, which 35% design included geometrics for the bridge including alignment and width upon which the detailed design was based, and

WHEREAS, right of way needs to be acquired for this project, and

WHEREAS, an agreement is needed for the acquisition of the needed right of way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between City of Modesto and Jacqueline Foret for the acquisition of property being a portion of Assessor's Parcel No. 038-06-05 for the Ninth Street Bridge Replacement Project is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Agreement by the City Manager in behalf of the City of Modesto is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM
BY: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-624

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JACQUELINE FORET FOR THE ACQUISITION OF PROPERTY BEING A PORTION OF ASSESSOR'S PARCEL NO. 038-07-06 FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT

WHEREAS, on March 7, 2000, the City Council of the City of Modesto, approved the 35% design for the 9th Street Bridge Replacement Project, which 35% design included geometrics for the bridge including alignment and width upon which the detailed design was based, and

WHEREAS, right of way needs to be acquired for this project, and

WHEREAS, an agreement is needed for the acquisition of the needed right of way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between City of Modesto and Jacqueline Foret for the acquisition of property being a portion of Assessor's Parcel No. 038-07-06 for the Ninth Street Bridge Replacement Project is hereby approved.

BE IT FURTHER RESOLVED THAT the execution of said Agreement by the City Manager in behalf of the City of Modesto is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM
BY: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-625

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF PROPERTY OWNED BY JACQUELINE FORET, BEING A PORTION OF ASSESSOR'S PARCEL NO. 038-06-05, FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire right of way from Jacqueline Foret being a portion of Assessors Parcel No. 038-06-05 for the 9th Street Bridge Replacement Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to sign an acceptance form in behalf of the City of Modesto for a Grant Deed for the acquisition of property owned by Jacqueline Foret being a portion of Assessors Parcel No. 038-06-05 for the Ninth Street Bridge Replacement Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM
BY: Mike Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-625A

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF PROPERTY OWNED BY JACQUELINE FORET, BEING A PORTION OF ASSESSOR'S PARCEL NO. 038-07-06, FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire right of way from Jacqueline Foret being a portion of Assessors Parcel No. 038-07-06 for the 9th Street Bridge Replacement Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to sign an acceptance form in behalf of the City of Modesto for a Grant Deed for the acquisition of property owned by Jacqueline Foret being a portion of Assessors Parcel No. 038-07-06 for the Ninth Street Bridge Replacement Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM
BY: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-626

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GERALD D. EWALT AND NANCY L. EWALT FOR THE ACQUISITION OF PROPERTY BEING A PORTION OF ASSESSOR'S PARCEL NO. 038-06-06 FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT

WHEREAS, on March 7, 2000, the City Council of the City of Modesto, approved the 35% design for the 9th Street Bridge Replacement Project, which 35% design included geometrics for the bridge including alignment and width upon which the detailed design was based, and

WHEREAS, right of way needs to be acquired for this project, and

WHEREAS, an agreement is needed for the acquisition of the needed right of way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between City of Modesto and Gerald D. Ewalt and Nancy L. Ewalt for the acquisition of property being a portion of Assessor's Parcel No. 038-06-06 for the Ninth Street Bridge Replacement Project is hereby approved.

BE IT FURTHER RESOLVED THAT the execution of said Agreement by the City Manager in behalf of the City of Modesto is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM
BY: Michael Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-627

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF PROPERTY OWNED BY GERALD D. EWALT AND NANCY L. EWALT, BEING A PORTION OF ASSESSORS PARCEL NO. 038-06-06, FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire right of way from Gerald D. Ewalt and Nancy L. Ewalt being a portion of Assessor's Parcel No. 038-06-06 for the 9th Street Bridge Replacement Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to sign an acceptance form on behalf of the City of Modesto for a Grant Deed for the acquisition of property owned by Gerald D. Ewalt and Nancy L. Ewalt being a portion of Assessor's Parcel No. 038-06-06 for the Ninth Street Bridge Replacement Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM
BY: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-628

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BEARD LAND IMPROVEMENT CO., FOR THE ACQUISITION OF PROPERTY BEING A PORTION OF ASSESSORS PARCEL NO. 106-48-01 FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT

WHEREAS, on March 7, 2000, the City Council of the City of Modesto, approved the 35% design for the 9th Street Bridge Replacement Project, which 35% design included geometrics for the bridge including alignment and width upon which the detailed design was based, and

WHEREAS, right of way needs to be acquired for this project, and

WHEREAS, an agreement is needed for the acquisition of the needed right of way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between City of Modesto and Beard Land Improvement Co. for the acquisition of property being a portion of Assessors Parcel No. 106-48-01 for the Ninth Street Bridge Replacement Project is hereby approved.

BE IT FURTHER RESOLVED THAT the execution of said Agreement by the City Manager in behalf of the City of Modesto is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM
BY: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-629

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF PROPERTY OWNED BY BEARD LAND IMPROVEMENT CO., BEING A PORTION OF ASSESSORS PARCEL NO. 106-48-01, FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire right of way from Beard Land Improvement Co. being a portion of Assessors Parcel No. 106-48-01 for the 9th Street Bridge Replacement Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to sign an acceptance form on behalf of the City of Modesto for a Grant Deed for the acquisition of property owned by Beard Land Improvement Co. being a portion of Assessors Parcel No. 106-48-01 for the Ninth Street Bridge Replacement Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM
BY: Michael D. Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-630

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO (GRANTEE) AND THE COUNTY OF STANISLAUS, CITY OF MODESTO, AND CITY OF CERES (GRANTORS), FOR THE ACQUISITION OF PROPERTY WITHIN THE TOULUMNE RIVER REGIONAL PARK BEING A PORTION OF ASSESSOR'S PARCEL NO. 102-18-01 BY THE CITY OF MODESTO FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT

WHEREAS, on March 7, 2000, the City Council of the City of Modesto, approved the 35% design for the 9th Street Bridge Replacement Project, which 35% design included geometrics for the bridge including alignment and width upon which the detailed design was based, and

WHEREAS, right of way needs to be acquired for this project, and

WHEREAS, an agreement is needed for the acquisition of the needed right of way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between City of Modesto (Grantee) and the County of Stanislaus, City of Modesto, and City of Ceres (Grantors) for the acquisition of property within the Toulunme River Regional Park being a portion of Assessor's Parcel No. 102-18-01 for the Ninth Street Bridge Replacement Project is hereby approved.

BE IT FURTHER RESOLVED THAT the execution as Grantor of said Agreement by the City Manager in behalf of the City of Modesto is hereby authorized.

BE IT FURTHER RESOLVED THAT the execution as Grantee of said Agreement by the City Manager in behalf of the City of Modesto is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM
BY: Mike Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-631

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF PROPERTY OWNED BY THE COUNTY OF STANISLAUS, CITY OF MODESTO, AND CITY OF CERES, LOCATED WITHIN THE TUOLUMNE RIVER REGIONAL PARK BEING A PORTION OF ASSESSOR'S PARCEL NO. 102-18-01, FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire right of way from the County of Stanislaus, City of Modesto, and City of Ceres (Grantors) for property within the Tuolumne River Regional Park being a portion of Assessor's Parcel No. 102-18-01 for the 9th Street Bridge Replacement Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to sign an acceptance form for a Grant Deed for the acquisition of property owned by the County of Stanislaus, City of Modesto, and City of Ceres located within the Tuolumne River Regional Park being a portion of Assessor's Parcel No. 102-18-01 for the Ninth Street Bridge Replacement Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM
BY: Michael Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-632

A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION OF THE ANNUAL LOCAL TRANSPORTATION FUND CLAIM FOR FISCAL YEAR 2002/03, FOR NON-TRANSIT PURPOSES ONLY, TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG)

WHEREAS, on May 28, 2002, the City Council approved the annual claim for Local Transportation Funds for transit purposes only, and

WHEREAS, on February 13, 2002, the Stanislaus Council of Governments (StanCOG) pursuant to Section 99401.6 of the California State Public Utility Codes has determined that there are no unmet transit needs or that there are no unmet transit needs that are reasonable to meet, and

WHEREAS, the StanCOG has informed the Finance Department that it has allocated Local Transportation Funds for use on local streets and roads pursuant to Sections 99400 and 99233.11 of the California State Public Utility Code, and

WHEREAS, the StanCOG has informed the Finance Department that it has allocated Local Transportation Funds for pedestrian and bicycle facilities uses pursuant to Sections 99233.3 and 99234 of the California State Public Utility Code, and

WHEREAS, the StanCOG has informed the Finance Department that the City of Modesto may claim $3,374,876 of Local Transportation Funds for street purposes, and $115,400 for pedestrian and bicycle projects, and

WHEREAS, Council action authorizing the claim is required by StanCOG pursuant to Section 99261 of the California State Public Utilities Code before any Local Transportation Fund funding can be released to the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his authorized designee, is hereby authorized to execute and submit the claim for apportionment of Local Transportation Development Funds to the Stanislaus Council of Governments (StanCOG) to obtain non-transit funds and supplemental non-transit revenue, and that the submission of the City's claim to the Stanislaus Council of Governments (StanCOG) in the amount of $3,490,276 for Fiscal Year 2002/03 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Council member Frohman, who moved its adoption, which motion being duly seconded by Council member Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES.	Council members:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Council members:	None
ABSENT:	Council members:	None

Attest: _____
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By _____
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-633

A RESOLUTION AMENDING THE FY2003 BUDGET TO ASSURE CONSISTENCY BETWEEN THE CITY'S FY03 BUDGET AND THE LTF CLAIM.

WHEREAS, the Stanislaus Council Of Governments (StanCOG) has informed the Finance Department that the City of Modesto may claim $3,374,876 of Local Transportation Funds for street purposes, and $115,400 for pedestrian and bicycle projects, and

WHEREAS, Sections 99400 and 99233.11 of the California State Public Utility Code, require that the City of Modesto records are consistent with State Controller and StanCOG reporting requirements, and

WHEREAS, the StanCOG Local Transportation Claim Form and the State Controller Annual Road Report requires project and program level identification for all Fiscal Year 2003 funding, and

WHEREAS, the City of Modesto Fiscal Year 2003 budget presently reports fund level appropriation for these Funds, and

WHEREAS the Council of the City of Modesto has authorized the City Manager, or his designee, to execute and submit the claim for apportionment of Local Transportation Development Funds to the Stanislaus Council of Governments (StanCOG) to obtain non-transit funds and supplemental non-transit revenue at its December 10, 2002 meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to amend the FY2003 budget to specify the budget of these TDA funds to the level required to meet State and StanCOG reporting requirements and to be consistent with the adopted LTF claim.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Council member Frohman, who moved its adoption, which motion being duly seconded by Council member Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES.	Council members:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Council members:	None
ABSENT:	Council members:	None

Attest: Jean Zahr
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By
Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-634

A RESOLUTION AMENDING SECTIONS 1 AND 10 OF RESOLUTION NO. 2001-433 ENTITLED "A RESOLUTION REVISING SEWER SERVICES CHARGES AND RESCINDING RESOLUTION NO. 2000-581" TO CONFORM TO CITY'S CURRENT BILLING PRACTICE FOR THE STORM DRAINAGE SEWER SURCHARGES FOR ALL NON-SINGLE FAMILY RESIDENTIAL PROPERTIES.

WHEREAS, Section 11-6.11 of the Modesto Municipal Code authorize the Council to establish storm drain sewer surcharges from time to time by resolution, and

WHEREAS, the Council has previously established storm drainage sewer surcharges, and

WHEREAS, Proposition 218 was passed in November of 1996 and became effective on July 1, 1997, and

WHEREAS, on February 5, 2002, the City Council adopted Resolution No. 2002-52 which authorized an all mail property owner election for an increase in storm drainage sewer surcharge rates in accordance with Proposition 218 procedures, and

WHEREAS, the ballot package included a description of the method of rate calculation for properties as required by law, and

WHEREAS, on August 14, 2001, the City Council adopted Resolution No. 2001-433 which describes the method of calculation and the amount of the storm drainage sewer surcharges, and

WHEREAS, after the ballots had been mailed it was discovered that the actual method of calculation of the bills for all non-single family residential properties differs from the method of calculation adopted in Resolution No. 2001-433, resulting in an under billing to those accounts, and

WHEREAS, it is necessary to conform Resolution No. 2001-433 which established storm drainage sewer surcharges to the utility billing software without increasing rates, and

WHEREAS, City staff is recommending that Sections 1 and 10 of Resolution No. 2001-433 be amended to conform to City's current billing practice for the storm drainage sewer surcharge for all non-single residential properties, and

WHEREAS, the Finance Committee met on November 25, 2002, and supported staff's recommendation, and

WHEREAS, by agenda report to the City Council from the Finance Department dated November 26, 2002, City staff recommended the changes as outlined in the report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 10 of Modesto City Council Resolution No. 2001-433 entitled "A Resolution Revising Sewer Service Charges and Rescinding Resolution No. 2000-581" are hereby amended to read as follows:

SECTION 1: DEFINITIONS, unless the context requires a different meaning, for the purposes of this resolution the definitions set forth in Section 5-6.103 of Chapter 6 of Title 5 of the Modesto Municipal Code entitled "DEFINITIONS" shall apply. The following definitions shall apply to the Storm Drainage Sewer Surcharge:

1. "Agricultural" shall include all parcels which have been developed to some extent but whose primary purpose is agricultural or for storm drainage.

2. "Commercial" shall include all developed parcels used for offices, wholesale or retail sales establishments, or provision of personal, professional, contracting recreational or business services.

3. "Developed Parcel" shall mean any lot or parcel of land altered from its natural state by the construction, creation or addition of impervious area, except public streets or highways.

4. "Duplex" shall mean a developed parcel with two dwelling units on a single parcel.

5. "Government" shall include all developed parcels used by the federal government, city, county, state or agencies of the state for the local performance of governmental or proprietary functions.

6. "Hospital" shall include all developed parcels used by facilities for the chronically ill and impaired, public health centers, community mental health centers, facilities for the mentally retarded, general and other types of hospitals and central service facilities operated in connection with hospitals, but shall not include any institutional use furnishing primarily domiciliary care.

7. "Industrial" shall include all developed parcels that are used to manufacture, fabricate, process, or package products, or to process and store food or chemical products.

8. "Multi-family Residential" shall include all developed parcels or other than single-family residential or duplex units, including hotels, boarding houses and twenty-four hour care for less than six persons. Multi-family Residential will be broken down into four density categories, depending on the amount of property square foot per dwelling unit. The following shall be the four density categories:

Density Category		Property Sq. Ft. Per Dwelling Unit
High		0-1000
Medium		1001-3500
Low		3501-7000
Very Low		Over 7000

9. "Multi-family Senior Mobile Home" shall include all developed parcels in which two or more mobile home lots are rented or leased or held for rent or lease to accommodate manufactured homes or mobile homes for senior citizen housing as defined in Civil Code Sections 51.2 and 51.3.

10. "NPDES Industrial Stormwater Permit" shall mean the stormwater discharge permit issued to operators of certain industrial activities by the State Water Regional Control Board pursuant to CWA and 40 CFR parts 122, 123, and 124.

11. "Non-profit Organizations" shall include all developed parcels used by organizations organized and operated for nonprofit purposes, which are exempt corporations under Revenue and Taxation Code 23701.

12. "Parcel" shall mean the smallest separately segregated lot, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the Stanislaus County Tax Assessor.

13. "Parks" shall include all developed parcels operated as a park by a public agency.

14. "Parks/Cemeteries" shall include developed parcels used primarily for cemetery purposes or for publicly owned places of recreation and enjoyment for general public use.

15. "Schools" shall include all developed parcels used by institutions for instruction or education operated by the state, an agency of the state, a church or a non-profit organization.

16. "Single-Family Residential" shall include all developed parcels with one single-family detached housing unit.

17. "Transportation/Utilities" shall include all developed parcels which are used for transportation, communications and utilities services, including trucking, aviation, railroads, suburban transit, power, water and other utilities.

18. "Undeveloped" shall mean any lot or parcel which remains in its natural state and is not used for any purpose.

SECTION 10. STORM DRAIN SEWER SURCHARGE. The Storm Drainage Sewer Surcharge shall be paid as set forth below:

(a) All non-single family residential parcels are classified according to their Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular property. The following land uses are identified and recognized, each of which has an assigned IDF, as follows:

Land Use	Intensity of Development Factor (IDF)
Duplex	0.50
Multi-Family High Density	0.95
Multi-Family Medium Density	0.80
Multi-Family Low Density	0.40
Multi-Family Very Low Density	0.25
Multi-Family Senior Mobile Home	0.30
Commercial	0.95
Industrial	0.75
Transportation/Utilities	0.40
Schools	0.25
Non-Profit Organizations	0.40
Government	0.70
Hospitals	0.50
Parks/Cemeteries	0.10
Agriculture	0.08
Undeveloped	0.00

(b) The basis of the Storm Drainage Sewer Surcharge is an Equivalent Runoff Unit (ERU) defined as a unit of storm water runoff from a 3500 SQ. FT. parcel with an Intensity of Development Factor (IDF) of 1.00. The ERU for a parcel equals the Intensity of Development Factor (IDF) multiplied by the total area of the parcel in square feet divided by 3500 square feet. A parcel's ERU is calculated by the following equation:

IDF x Area (SF)/ 3500 SF = ERU

All Non Single Family properties are charged at a monthly rate of $6.57 per ERU.

(c) The monthly Storm Drainage Sewer Surcharge for each land use is calculated as a monthly charge per acre by the following equation:

$$\frac{43{,}560 \text{ SF/Acre}}{3500 \text{ SF}} \times \text{IDF (see chart)} \times \text{Monthly Rate/ERU (currently \$6.57)} = \text{Monthly Charge/Acre}$$

The Calculated Monthly Per Acre Charge for each parcel use is listed in Table 1 below.
Each parcel will be billed according to the following equation:
Monthly Charge Per Acre (as calculated in Table 1) x parcel size in exact acreage= Monthly charge for a parcel

$$\frac{\text{Parcel size in SF}}{43{,}560 \text{ SF}} = \text{exact acreage}$$

Table 1

Monthly Rate per ERU=	**$ 6.57**	**IDF Monthly Storm Drainage Sewer Surcharge per Month per Acre**
Land Use		
Duplex	0.50	$40.88
Multi Family-High Density	0.95	$77.68
Multi Family-Medium Density	0.80	$65.41
Multi Family-Low Density	0.40	$32.71
Multi Family-Very Low Density	0.25	$20.44
Multi Family Senior Mobile Home	0.30	$24.53
Commercial	0.95	$77.68
Industrial	0.75	$61.33
Transportation/Utilities	0.40	$32.71

Schools	0.25	$20.44
Non-Profit Organizations	0.40	$32.71
Government	0.70	$57.24
Hospitals	0.50	$40.88
Parks/Cemeteries	0.10	$8.18
Agriculture	0.08	$6.54
Undeveloped	0.00	$0.00

(d) Single-Family Residential charges shall be as follows:

Square Footage of Property	Monthly Charge
0-3500 SF	$1.65
3501-7000 SF	3.23
7000 + SF	4.85

(e) Residential users may participate in the Senior Citizens and Disabled Persons Water Discount Program for storm drainage sewer surcharge discounts if they qualify under the program guidelines.

(f) Mixed Use Property is nonresidential property, more than five acres in size, which contains more than one acre of undeveloped or agricultural property. Upon application to and approval by the Engineering and Transportation Director, Mixed Use Property shall pay a split surcharge, the developed portion paying the IDF appropriate to the developed land use, and the undeveloped or agricultural portion paying the Undeveloped or Agricultural IDF, as appropriate.

(g) That the portion of the storm sewer drainage surcharge related to street sweeping and storm water collection shall not apply to a parcel if more than a majority of all of the parcels which front on the city street do not have curbs and gutters. That portion currently constitutes seventy percent (70%) of the surcharge.

(h) In the future, if the storm drainage sewer surcharge is to be adjusted by resolution, the proposed monthly rate per Equivalent Runoff Unit (ERU) shall be calculated and rounded to the nearest whole 1/100 of a dollar. The monthly rate per ERU shall then be used in the above equations to calculate the new monthly rate per acre for each land use and Table 1 shall be revised accordingly. All new monthly rates per acre shall be rounded to the nearest whole 1/100 of a dollar for billing purposes. (.5 will be rounded down)

BE IT FURTHER REOSLVED that this resolution shall go into effect and be in full force and operation on and after December 10, 2002.

BE IT FURTHER RESOLVED that Sections 1 and 10 of Resolution No. 2001-433 are hereby amended effective December 10, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM
BY: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-635

A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF MODESTO 2002-2003 ANNUAL ACTION PLAN.

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD), and

WHEREAS, the City Council, at its May 14, 2002, meeting approved the adoption of the 2002-2003 Annual Action Plan, and

WHEREAS, City staff has proposed amendments to the Annual Action Plan, and said proposed amendments are as set forth in **Exhibit "A"** attached hereto and incorporated herein by reference, and

WHEREAS, notice has been duly given to notify the community of proposed amendments to the Annual Action Plan, and to provide a 30-day comment period, which began November 8, 2002, and ended on December 8, 2002, and

WHEREAS, the Citizens Housing and Community Development Committee considered the proposed changes to the Annual Action Plan at its November 22, 2002, meeting, and the Committee recommended that the City Council approve amendments to the Annual Action Plan as proposed by staff as well as budgetary adjustments as recommended by staff, and

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of December 10, 2002, to consider the proposed amendments to the 2002-2003 Annual Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Amendment to the 2002-2003 Annual Action Plan as presented to the Council is hereby approved, and a copy of said Amendment to the 2002-2003 Annual Action Plan is attached hereto as **Exhibit "A"** and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to execute any documents with respect to the Amendment to be submitted to the Regional HUD office. Any and all documents necessary to implement the Action Plan shall require further Council approval.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Exhibit A

Executive Summary
Proposed Amendment to the 2002-2003 Annual Action Plan

The City Council approved the adoption of the 2002-2003 Annual Action Plan at its meeting of May 14, 2002. This is the first proposed amendment to this plan.

The Annual Action Plan, prepared before the beginning of each fiscal year that starts on July 1, details the City's plan for the expenditure of funds received from the Department of Housing & Urban Development (HUD) for the following three grants: Community Development Block Grant (CDBG), HOME Investment Partnership Grant (HOME) and Emergency Shelter Grant (ESG). At the time the Plan is prepared, typically in May, staff has received confirmation from HUD regarding the amount of the upcoming year's entitlement grant, which typically comprises the largest portion of the available funding for the programs. However, there are two other funding sources that must be estimated at the time the Plan is prepared: 1) the amount of program income that will have been generated by the end of the fiscal year (June 30), through the repayment of program loans and 2) the carryover that will be available for reprogramming at the end of the fiscal year (June 30).

Once the previous year's program is closed out, at the end of September, staff can then confirm the amount of program income and carryover that are now available for reprogramming in the current fiscal year. This reprogramming is accomplished through an amendment to the Annual Action Plan and allows us to:

- Ensure that CDBG, HOME and ESG funds are spent in a timely fashion, and meet the HUD-required drawdown ratio.
- Address needs that have arisen in the community since the Annual Action Plan was written.

For 2002-2003, this amendment recognizes an increase in the revenue available for CDBG and HOME programs, due to an increase over the original estimated amounts of program income and carryover available.

The major CDBG Plan activities that will be affected by this amendment are Capital Improvement Programs. Specifically, this amendment will allow for the completion of several projects that have been planned or underway for a significant period of time, including the ADA Elevator Project at the Modesto Centre Plaza, the completion of Hillside Drive in the Airport Neighborhood, and a shade structure at Robertson Road Park. This amendment also increases funding for two projects that we have focused increasing resources on, the ADA Curb Cut /Signal Program and Street Paving in Low Income Areas. Finally, this amendment will also allow us to begin engineering and design work on the rehabilitation, expansion and/or construction of several City facilities located in low-income neighborhoods, including the Maddux Youth Center, the King-Kennedy Center and the Westside Service Center.

This amendment will also provide for a decrease in the amount of funding budgeted for administration of the CDBG program.

For the HOME program, there is an increase in available funding of $446,526, largely due to available carryover from previous years. Staff recommends that this be programmed for the construction of new affordable housing.

The specific changes and budget summaries for the CDBG and HOME programs may be found attached. There are no proposed amendments to the ESG program.

HUD requires that all Plan amendments be subject to a 30-Day public review and comment period and a public hearing. This amendment is available for public review and comment beginning November 8, 2002, and will close with a City Council public hearing on December 10, 2002.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-636

A RESOLUTION AMENDING THE FISCAL YEAR 2002-03 ANNUAL OPERATING BUDGET TO REFLECT APPROVED CHANGES TO THE CDBG ANNUAL ACTION PLAN.

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD), and

WHEREAS, the City Council, at its May 14, 2002, meeting approved the adoption of the 2002-2003 Annual Action Plan, and

WHEREAS, since adoption of the Annual Action Plan, staff has determined that changes should be made to programs and services provided to better meet the needs of the citizens of Modesto, and

WHEREAS, these program changes require re-allocation of funds, and

WHEREAS, re-allocation of these funds is more fully described on **Exhibit "A"**, attached hereto and incorporated by reference, and

WHEREAS, the Citizens Housing and Community Development Committee considered the proposed changes to the Annual Action Plan at its November 22, 2002, meeting, and the Committee recommended that the City Council approve amendments to the Annual Action Plan as proposed by staff as well as budgetary adjustments as recommended by staff, and

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of December 10, 2002, to consider the proposed amendments to the 2002-2003 Annual Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2002-03 Annual Operating Budget is hereby amended to reallocate Community Development Block Grant Funds as indicated on **Exhibit "A"** attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Exhibit A

Changes to CDBG Operating Budget

Decrease

Indirect Administration	-$121,109
Building Code Enforcement	-$21,104
Down Payment Assistance	-$28,504
Emergency Home Repair	-$50,000
Tool Bank Program	-$5,000
Lead Based Paint Service	-$2,500
TOTAL	
$228,217	

Increase

General Administration	$90,959
Alley Closures	$6,000
Code Enforcement	$8,532
Robertson Road Park	$50,000
Rehabilitation Services	$17,790
Housing Rehabilitation Loans	$54,936
TOTAL	
$228,217	

Changes to HOME Budget

Revenue	
Program Income	$106,414
Carryover for New Projects	$79,842
Carryover for CHDO	$260,270
Total	$446,526
Expenditures	
New Projects	$186,256
CHDO	$260,270
Total	$446,526

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-637

A RESOLUTION AMENDING THE FISCAL YEAR 2002-03 ANNUAL CAPITAL IMPROVEMENT BUDGET TO REFLECT APPROVED CHANGES TO THE CDBG ANNUAL ACTION PLAN.

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD), and

WHEREAS, the City Council, at its May 14, 2002, meeting approved the adoption of the 2002-2003 Annual Action Plan, and

WHEREAS, since adoption of the Annual Action Plan, staff has determined that additional revenue is available for CDBG and HOME programs, due to an increase over estimated amounts of program income and carryover available, and

WHEREAS, staff is recommending that new projects be established for Hillside Drive construction in the Airport Neighborhood, and Property Acquisition (Fairway Neighborhood Park and a homeless day facility) and

WHEREAS, the $382,000 allocated for Hillside Drive will be used to extend Hillside Drive along the south border of Orville Wright Neighborhood Park and to develop an access road along the west border of the park, and

WHEREAS, in order to develop Orville Wright Neighborhood Park (which is scheduled for a February/March 2003 construction start date) these access roads must be built, and

WHEREAS, the park construction is being funded, in large part, by the 2000 Parks Bond Act and said Parks Bond Act funding is not eligible to be used for road construction and thus the CDBG funding is greatly needed, and

WHEREAS, staff is recommending that additional funding should be allocated for the ADA elevator at the Modesto Centre Plaza, and

WHEREAS, staff is recommending that funding should be increased for the ADA Curb Cut/Signal program and Street Paving in Low Income Areas, and

WHEREAS, staff is recommending that funding be allocated for engineering and design work for the rehabilitation, expansion and/or construction of several City facilities located in low-income neighborhoods, including the Maddux Youth Center, King-Kennedy Memorial Center and the Westside Service Center, and

WHEREAS, the Citizens Housing and Community Development Committee considered the proposed changes to the Annual Action Plan at its November 22, 2002, meeting, and the Committee recommended that the City Council approve amendments to the Annual Action Plan as proposed by staff as well as budgetary adjustments as recommended by staff, and

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of December 10, 2002, to consider the proposed amendments to the 2002-2003 Annual Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2002-03 Annual Operating and Capital Improvement Plan Budgets are hereby amended to estimate new revenue, appropriate new expenses and reallocate Community Development Block Grant Funds as indicated on **Exhibit "A"** attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Exhibit A

Changes to CDBG Capital Improvement Plan

Revenue	
Program Income	$24,436
Carryover	$734,414
Total	$758,850
Expenditure Decreases	
Down Payment Assistance	-$150
Neighborhood Projects	-$10,000
Property Enhancement	-$5,000
ADA Park Playgrounds (Close Project Q228)	-$150,000
King-Kennedy Collaborative	-$75,000
CIP Project Management	-$40,200
Total	-$280,350
TOTAL AVAILABLE RESOURCES	$1,039,200
Increases	
ADA Curb Ramps/ Signals	$188,000
King-Kennedy Center	$91,000
Centre Plaza Elevator	$81,000
Street Paving, Low Income Areas	$110,900
Westside Service Center	$6,000
Property Acquisition	$175,000
Maddux Youth Center	$5,300
Hillside Drive	$382,000
Total	$1,039,200

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-638

Print

A RESOLUTION AUTHORIZING STAFF TO PUBLISH A REQUEST FOR PROPOSALS FOR THE DEVELOPMENT AND CONSTRUCTION OF MULTI-FAMILY OR SINGLE-FAMILY "QUALITY HOUSING FOR WORKING CITIZENS" PROJECTS USING $260,526 IN RE-ALLOCATED HOME FUNDS AND TO NEGOTIATE WITH STANCO FOR USE OF $260,270 IN UNCOMMITTED COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) FUNDS.

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD), and

WHEREAS, the City Council, at its May 14, 2002, meeting approved the adoption of the 2002-2003 Annual Action Plan, and

WHEREAS, staff has determined that there is an increase in available funding of $446,526, consisting of $186,526 in program income and carryover from previously funded projects as well as $260,270 in uncommitted Community Housing Development Organization (CHDO) funds, and

WHEREAS, STANCO is the only financially stable Community Housing Development Organization currently operating in the city limits of Modesto, and

WHEREAS, staff recommends that negotiations be entered into with STANCO for the use of the $260,270 in CHDO funds, and

WHEREAS, staff recommends that the program income and carryover be programmed for new projects, and

WHEREAS, the Citizens Housing and Community Development Committee considered the use of the increased funding at its November 22, 2002, meeting, and the Committee recommended that the City Council authorize staff to publish a Request for Proposals for the development and construction of multi-family or single-family "Quality

Housing for Working Citizens" projects using $186,256 in re-allocated HOME funds, and

WHEREAS, the Citizens Housing and Community Development Committee further recommended that staff negotiate with STANCO for the use of the $260,270 in CHDO funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to publish a Request for Proposals for the development and construction of multi-family or single-family "Quality Housing for Working Citizens" projects using $186,256 in re-allocated HOME funds.

BE IT FURTHER RESOLVED that staff is hereby authorized to negotiate with STANCO for use of $260,270 in uncommitted Community Housing Development Organization funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 639

A RESOLUTION AMENDING THE FISCAL YEAR 2002-2003 ANNUAL BUDGET

WHEREAS, a monthly financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2002-2003.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2002-2003 budget have been adjusted as shown in **Attachment A.**

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: _____
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: _____
MIKE MILICH, City Attorney

FY02-03 Budget Adjustments - December 2002

Fund	Agency	Orgn	Object	Description	Current	Incr/(Decr)	Revised
Capital Facilities Fees Administration Fund - $80,000							
1390	800	8000	8003	Reserve	(192,115)	(80,000)	(272,115)
1390	120	1296	0235	Professional Services	0	80,000	80,000
Golf Fund Subsidy - $225,000							
0100	700	7000	7660	Transfer Out	198,000	225,000	423,000
0100	800	8000	8003	Reserve	(1,462,741)	(225,000)	1,687,741
6600	700	7000	9010	Transfer In		225,000	225,000
6600	800	8000	8003	Reserve	(24,200)	225,000	200,800
LED Replacement Program - $466,400							
0100	430	4302	8099	ABS Reserve	363,238	(198,000)	165,238
0100	800	8000	8003	Reserve	(1,462,741)	(268,000)	1,730,741
0100	700	7000	7070	Transfer Out	0	466,000	466,000
0700	700	7000	9010	Transfer In	1,312,000	466,400	1,778,400
0700	160	1630	0255	Services, City Forces	0	88,526	88,526
0700	160	1630	0365	Materials & Supplies	0	300,000	300,000
0700	160	1630	0451	Principle	0	36,321	36,321
0700	160	1630	0452	Interest	0	5,232	5,232
Community Development CDBG Transfer - $20,000							
1130	700	M186	7140	Transfer Out	0	20,000	20,000
1400	700	M186	9113	Transfer In	0	20,000	20,000
1130	800	8000	8003	Reserve	0	(20,000)	(20,000)
1400	800	8000	8003	Reserve	0	20,000	20,000
Kansas/Needham Overpass - $3,250,000							
0700	430	F265	6001	Environmental	54,575	0	54,575
0700	430	F265	6010	Engrg/Design/Admin	1,145,425	150,000	1,295,425
0700	430	F265	6030	Land/Row Acquisition	3,800,000	0	3,800,000
0700	430	F265	6040	Construction	8,000,000	2,850,000	10,850,000
0700	430	F265	6060	Construction Admin	1,000,000	250,000	1,250,000
Revenue							0
0700	430	F265	3705	State PUC	10,000,000	3,000,000	13,000,000
0700	430	F265	3705	Union Pacific Match	625,000	0	625,000
0700	430	F265	3761	Pacific Bell	0	250,000	250,000
0700	430	F265	9070	Gas Tax Match	3,375,000	0	3,375,000

ATTACHMENT A

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-640

A RESOLUTION APPROVING AMENDMENT NO. 15 TO THE AGREEMENT FOR ENGINEERING SERVICES FOR 9TH STREET RAILROAD RELOCATION PROJECT WITH DELEUW, CATHER & COMPANY (NOW PARSONS TRANSPORTATION GROUP), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT

WHEREAS, by Resolution No. 88-750, the original Agreement for Engineering Services with De Leuw, Cather & Company for the Ninth Street Railroad Relocation Project was approved by Council on October 4, 1988, and

WHEREAS, the initial agreement and seven subsequent amendments were for studies and applications for grants, and

WHEREAS, Amendment Nos. 9, 10, 11, & 12 began the actual design and property research, and

WHEREAS, Amendment No. 12 funded the re-design efforts after Caltrans approved the Kansas Needham Highway 132 realignment project, and

WHEREAS, Amendment No. 13 funded the aesthetic treatments of the Kansas-Needham Overhead, intersection changes to College-Needham, and construction support services, and

WHEREAS, Amendment No. 14 funded an expanded scope of services to address additional design changes and project delays, and

WHEREAS, Amendment No. 15 will continue to fund construction support services and thus complete the construction of the Kansas Needham Overhead,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that Amendment No. 15 to an agreement between the City of Modesto and De Leuw, Cather, & Company (now Parsons Transportation Group) for continued engineering services for the 9th Street Railroad Relocation project (Kansas Needham Overhead) be, and it is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute said amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-641

A RESOLUTION ACCEPTING THE CAPITAL FACILITIES FEES FUND SUMMARIES REPORT AND MAKING THE REQUIRED STATUTORY FINDINGS.

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code Sections 8-1.904 et seq. creating and establishing the authority for imposing and charging Capital Facilities Fees (CFF), and

WHEREAS, the City is required by State Law to report and to make certain findings, (Government Code Section 66001), on its CFF Program every five (5) years, following the first deposit into the account or fund, and every five (5) years thereafter, the local agency shall make certain findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted, and

WHEREAS, on December 10, 2002, the City Council considered a report made public on November 20, 2002, relating to CCF which was submitted to the Council by the Finance Director of the City of Modesto, a copy of which report is on file in the office of the City Clerk, and

WHEREAS, the information and findings in the report relate to the CFF Program the Council adopted in 1989 and amended in 1992 and revised in 1999 by the City Council,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby accepts the report made public on November 20, 2002, relating to CCF which was submitted to the Council by the Finance Director of the City of Modesto, a copy of which report ("Report") is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the Council makes the following findings:

(1) **The purpose to which the fee is to be put is identified as follows:**

The fee is to reduce the impacts of future development; such improvements include, but are not limited to, expansion, construction, development and/or acquisition of new fire and police stations, various parks and recreation facilities, City Hall office space and equipment, a corporation yard and various street projects. The fees collected shall be used to finance the municipal public facilities identified in Attachments 5 and 6 to the Report.

(2) **A reasonable relationship between the fee and the purpose for which it is charged is demonstrated as follows:**

The City funds a study to assess the facilities required to accommodate growth. The study establishes reasonable relationships between the fees and the proposed projects, and assesses the fees based on the projected impact of the various land uses. The result of that study is the basis of the Capital Facilities Fees and can be found in Attachment 9 to the Report

(3) **All sources and amounts of funding anticipated to complete financing of the public facilities are identified as follows:**

The sources of funding for the projects included in the CFF Program are outlined in the adopted CFF reports and are summarized by fund in Attachment 4 to the Report. Some projects are fully funded by CFF, some are partially funded by existing City sources, Federal grants and/or State grants.

(4) **The approximate dates on which funding for the public facilities is expected to be deposited into the appropriate fund are designated as follows:**

The key funding source for the majority of projects is CFF revenue which is dependent on development trends. The required findings are that the CFF funds will be deposited as development occurs over the next thirty (30) years. Attachment 6 to the Report shows a projection of how CFF funds will be spent over the next ten (10) years. The projection in Attachment 6 is determined during the annual Capital Improvement Program budget process. It is anticipated that revenue will be received in sufficient amounts to begin the projects listed is the ten (10) year projection during the fiscal year (starting July 1 and ending the following June 30) showing any projected expenditures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney